

This is my immigration platform in full legislative form.

I'm running for the United States Senate because I believe America has a right to remain a nation—sovereign, secure, and financially solvent. It may not be a perfect bill, but it is all inclusive. If you want it to be a perfect bill it'll have to be signed by the President after many people have input. Most candidates speak in slogans. I wrote a 42-section bill and put my name on it.

The **American Sovereignty, Security, and Migration Act of 2026** is the framework for what I'm willing to do: restore control of entry, close executive workarounds, require financial independence for non-citizens so taxpayers aren't left holding the bag, protect American wages, and make enforcement simple, uniform, and scalable. But it's also something Congress has refused to give the country for decades: **consistency**. Consistency for the American people, and consistency for the migrant community as well—regardless of which party holds the White House or which political mood is dominating Washington. A nation cannot function when immigration policy is rewritten every election cycle through loopholes, memos, mass parole programs, selective non-enforcement, and legal gray zones. This bill is designed to create one enforceable standard that does not swing with politics, and to close loopholes not just for migrants, but for politicians and special interests who have learned how to exploit confusion for power and profit.

And let me be direct about what this is protecting—because too many politicians won't say it plainly. **A country is more than an economy. It's a culture.** It's a shared language, shared civic norms, shared expectations of law and behavior, and a shared belief that people are equal under the law—so no one gets to put their thumb on the scale. It's the everyday trust that lets neighbors live side by side, lets communities raise children safely, and lets citizens disagree without the country breaking apart. When a nation loses control of entry and enforcement, it doesn't just lose money—it loses cohesion. It loses the ability to decide what it stands for, and it becomes vulnerable to fragmentation, parallel societies, imported conflict, and the slow erosion of the civic habits that keep a free people free. America's culture isn't about race or ancestry. It's about rule of law, ordered liberty, personal responsibility, honest work, equal treatment, and loyalty to the Constitution above any foreign government, faction, or ideology. If we don't protect that, we will eventually discover that prosperity without cohesion is just decay with better branding.

I'm not pretending this bill is perfect. I'm not a legal scholar. But I am doing what Congress refuses to do: put a complete plan on paper, accept accountability for it, and invite the public to scrutinize it. If we want a serious path to fiscal responsibility—including a balanced budget amendment—then we must stop creating long-term obligations through short-sighted policy and political avoidance.

If you want to know what I stand for, don't listen to a talking point. Read the bill.

—Michael Hummert, Candidate for U.S. Senate

Section 1. Short Title; Findings; Purpose; Construction.

1(1) Short Title.

This Act may be cited as the “American Sovereignty, Security, and Migration Act of 2026.”

1(2) Findings.

Congress finds that—

- (a) the United States possesses sovereign authority to control admission, conditions of presence, and removal of non-citizens;
- (b) immigration administration is the management of a finite national resource and must prioritize the safety, wages, civic order, and fiscal stability of United States citizens and lawful residents;
- (c) unlawful entry and unlawful presence impose measurable public costs and increase housing, infrastructure, education, and public-order strain borne primarily by United States citizens;
- (d) the immigration system has been used by certain commercial interests to suppress wages and displace United States workers through dependence on non-citizen labor;
- (e) executive parole authority has been used in ways that function as substitute admission pathways not enacted by Congress;
- (f) discretionary non-enforcement mechanisms, including Deferred Action and comparable labels, have been used to create de facto settlement-by-delay and to undermine congressionally enacted immigration controls;
- (g) humanitarian non-removal obligations, where legally required, must be administered as narrow, non-settlement, non-work-authorizing outcomes that do not operate as a mass entry program;
- (h) unlawful entry incentives increase when release, work authorization, or long-duration presence is available by default;
- (i) children and minors encountered at the border must be processed under a clear, unified federal framework that prevents creation of unlawful incentives while meeting constitutional minimums and child-safety obligations; and
- (j) immigration administration must not be operated as a profit center for non-governmental organizations or contractors funded by federal dollars absent explicit congressional authorization, and must not be captured by crony capitalism or per-capita processing incentives.

1(3) Purpose.

The purpose of this Act is to—

- (a) restore and enforce sovereign control of entry into the United States;
- (b) protect United States citizens and taxpayers from financial, security, and public-order burdens arising from unlawful or non-solvent non-citizen presence;
- (c) create a unified, enforceable classification system for non-citizens that is strict by design, administrable at national scale, and resistant to discretionary workarounds;
- (d) sharply limit humanitarian mechanisms so they cannot be used as a mass migration channel and cannot be converted into settlement by delay;
- (e) ensure the immigration system cannot be captured by crony capitalism, contractor profiteering, or non-governmental organization logistics networks funded by federal dollars absent explicit congressional authorization;
- (f) protect American workers and wages by preventing migrant labor from functioning as a

wage-suppression tool and by imposing enforceable, auditable employer duties; and
(g) ensure public transparency through reporting, auditing, and purpose-limited data integration necessary to enforce this Act.

1(4) Construction; No Right of Admission.

Nothing in this Act shall be construed to create a right to admission into the United States, a right to remain, or a right to any discretionary benefit. Admission and continued presence are privileges conditioned on strict compliance with this Act and other applicable federal law.

1(5) Constitutional Compliance; Narrow Construction.

This Act shall be construed to operate to the maximum extent consistent with the Constitution of the United States. If a provision is reasonably susceptible to a construction that avoids constitutional infirmity while preserving the restrictive intent of Congress, that construction shall be adopted.

1(6) Severability.

If any provision of this Act, or the application thereof to any person or circumstance, is held invalid, the remainder of this Act and the application of such provisions to other persons or circumstances shall not be affected.

Section 2. Definitions.

2(1) Federal Sovereignty and Migrant Authority (FSMA).

The term “Federal Sovereignty and Migrant Authority (FSMA)” means the agency created by this Act to administer status classification, solvency mechanisms, employer compliance interfaces, identity systems, interagency verification indicators, and audit-logged compliance enforcement.

2(2) Under Secretary for Strategy, Policy, and Plans (Under Secretary).

The term “Under Secretary for Strategy, Policy, and Plans (Under Secretary)” means the Senate-confirmed officer heading the Department of Homeland Security Office of Strategy, Policy, and Plans, or any successor Senate-confirmed officer designated by statute to perform substantially similar functions.

2(3) Visitor (Visitor) and subcategories; Academic Guest excluded.

The term “Visitor (Visitor)” means a non-citizen admitted temporarily under a non-immigrant classification that does not confer Migrant TT status or Migrant WP status and is limited to the purposes described in subparagraphs (A) and (B), subject to Section 6. For avoidance of doubt, “Visitor” does not include an Academic Guest as defined in paragraph (4).

(A) Visitor—Leisure and Personal (Visitor—L). The term “Visitor—Leisure and Personal (Visitor—L)” means tourism, vacation, family visit, medical visit, or other personal travel, and no employment or compensated labor of any kind.

(B) Visitor—Business and Official (Visitor—B). The term “Visitor—Business and Official (Visitor—B)” means short-term business activity, official governmental activity, diplomatic/political activity, or comparable temporary mission that may involve work-like activity, but does not authorize entry into the domestic labor market as an employee, contractor, wage earner, or United States-based service provider, including remote services primarily for United States clients or United States operations, except as expressly permitted by Section 6.

2(4) Academic Guest (Academic Guest).

The term “Academic Guest (Academic Guest)” means a non-citizen admitted primarily for full-time study under Section 6 and Section 29.

2(5) Migrant TT (Migrant TT).

The term “Migrant TT (Migrant TT)” means a non-citizen admitted for long-horizon work and/or long-term residence under a Migrant Card on the Tenure Track governed by Sections 7 and 8 (10+10), including Probationary Migrant TT and Tenured Migrant TT, and eligible for voluntary naturalization only as provided in this Act.

2(5A) Migrant WP (Migrant WP).

The term “Migrant WP (Migrant WP)” means a non-citizen admitted primarily for employment to meet an employer labor need under a renewable two (2) year work authorization administered by FSMA pursuant to this Act, and subject to employer requirements of this Act; time in Migrant WP does not count toward the Migrant TT 10+10 framework unless expressly re-designated as Migrant TT under standards prescribed by regulation.

2(6) Harvest Migrant (Harvest Migrant).

The term “Harvest Migrant (Harvest Migrant)” means a non-citizen admitted for seasonal agricultural labor under Section 11.

2(7) Protected Migrant (Protected Migrant).

The term “Protected Migrant (Protected Migrant)” means a non-citizen admitted under temporary humanitarian custodianship under Section 18, with no pathway to citizenship under this Act.

2(8) Migrant Solvency Account (MSA).

The term “Migrant Solvency Account (MSA)” means the restricted-use account administered by FSMA pursuant to Section 12.

2(9) Federal Solvency Reserve (FSR).

The term “Federal Solvency Reserve (FSR)” means the system reserve fund administered by FSMA receiving statutory receipts including employer charges, tariffs, penalties, and other statutory receipts.

2(10) Migrant Surety Bond (MSB).

The term “Migrant Surety Bond (MSB)” means a five thousand dollar (\$5,000), Consumer Price Index-adjusted repatriation/removal surety purchased by a non-citizen from an FSMA-approved surety provider.

2(11) Chief Immigration Compliance Officer (CICO).

The term “Chief Immigration Compliance Officer (CICO)” means the employer-designated compliance officer required by Section 13.

2(12) National Employment Eligibility Certification (NEEC).

The term “National Employment Eligibility Certification (NEEC)” means the Level 2 proctored federal certification required by Section 13.

2(13) Functional Human Resources (Functional HR).

The term “Functional Human Resources (Functional HR)” means any individual performing hiring, onboarding, employment eligibility verification, or employment compliance duties for more than ten (10) hours per week.

2(14) Federal theft standard (immigration-only).

For immigration consequences under this Act only, the term “felony-equivalent theft” includes theft or fraud involving a value of one thousand dollars (\$1,000) or more, Consumer Price Index-adjusted pursuant to Section 5.

2(15) Parole (parole).

The term “parole” means any discretionary permission to enter or remain granted under immigration parole authority, including parole described in section 212(d)(5) of the Immigration and Nationality Act (8 U.S.C. § 1182(d)(5)).

2(16) Mass parole program (mass parole).

The term “mass parole program” means any policy, program, or practice that grants parole to a class or category of persons defined primarily by nationality, route, generalized condition, or broad criteria rather than individualized, case-by-case determinations supported by a written record.

2(17) Child; Minor.

The term “Child” or “Minor” means an individual under eighteen (18) years of age.

2(18) Unaccompanied Child (UC).

The term “Unaccompanied Child (UC)” means a child who has no lawful parent or legal guardian in the United States available to provide care and physical custody, as determined under standards prescribed by regulation consistent with child-safety obligations and the statutory framework enacted by this Act.

2(19) Accompanied Minor (AM).

The term “Accompanied Minor (AM)” means a child encountered with a parent or legal guardian who is physically present and who claims care and custody.

2(20) Non-Removal Protection Determination (NRPD).

The term “Non-Removal Protection Determination (NRPD)” means a determination under this Act that removal to a specific country is barred because it is more likely than not that the person would be subjected to torture in that country; NRPD is not an admission, not a status, does not authorize work by default, and is limited to deferral of removal to that country only.

2(21) Deferred Action (Deferred Action).

The term “Deferred Action (Deferred Action)” means any discretionary decision, policy, or practice by any federal officer or agency to decline to initiate, to pause, or to refrain from executing removal or other enforcement consequences for an individual or class, including any label commonly known as deferred action, deferred enforced departure, or comparable discretionary non-enforcement designation, regardless of title.

2(22) Covered Discretionary Stay (CDS).

The term “Covered Discretionary Stay (CDS)” means any discretionary permission to remain in the United States not expressly authorized as an Act-category status under this Act, including parole, Deferred Action, deferred enforced departure, prosecutorial discretion programs, or any program label used to confer de facto presence.

2(23) Inspection.

The term “inspection” means examination by an authorized immigration officer of a person’s identity, citizenship or nationality, admissibility under this Act, and eligibility for an Act-category status, using passport documents and other identity records, biometric verification, and minimum necessary indicators provided through Federal Sovereignty and Migrant Authority systems.

2(24) Admission; admitted.

The terms “admission” and “admitted” mean, with respect to a non-citizen, the lawful entry of that non-citizen into the United States after inspection and authorization by an immigration officer under this Act.

2(25) Applicant for admission.

The term “applicant for admission” means any non-citizen who seeks permission to enter the United States at a Port of Entry or functional equivalent, and any non-citizen encountered at or near the external boundary of the United States who has not been admitted under this Act or whose entry is not verified as lawful admission under this Act.

2(26) Entry Without Inspection (EWI).

The term “Entry Without Inspection (EWI)” means entry into the United States by a non-citizen without inspection and authorization by an immigration officer, including entry between Ports of Entry, evasion of inspection, or any entry not recorded as an admission under this Act.

2(27) Unlawful entrant.

The term “Unlawful Entrant” means a non-citizen who entered without inspection, a non-citizen who attempts entry without inspection, or a non-citizen who entered by fraud or material misrepresentation at or in connection with inspection.

Section 3. Command and control.

3(1) Creation of FSMA.

FSMA is hereby established as a sub-agency within the Department of Homeland Security.

3(2) Reporting chain.

FSMA shall report directly to the Under Secretary.

3(3) Sovereignty Council.

FSMA shall be governed by a “Sovereignty Council” consisting of—

- (a) the Under Secretary (Chair), or the Under Secretary’s designee;
- (b) the Secretary of State, or the Secretary’s designee;
- (c) the Attorney General of the United States, or the Attorney General’s designee;
- (d) the Commissioner of U.S. Customs and Border Protection, or the Commissioner’s designee;
- (e) the Director of U.S. Citizenship and Immigration Services, or the Director’s designee;
- (f) the Commissioner of the Internal Revenue Service, or the Commissioner’s designee;
- (g) the Commissioner of the Social Security Administration, or the Commissioner’s designee; and
- (h) the Secretary of Labor, or the Secretary’s designee.

3(4) Central custody functions.

FSMA shall be the exclusive federal custodian and administrator of—

- (a) Migrant Solvency Accounts;
- (b) Migrant Surety Bond verification records and surety-provider certification;
- (c) Federal Solvency Reserve;
- (d) statutory civil penalty receipts under this Act; and
- (e) whistleblower reward escrow and disbursement accounts under this Act.

3(5) Universal data nexus (minimum necessary indicators; express confidentiality overrides; field limits).

(a) Notwithstanding any other provision of law, including 26 U.S.C. § 6103 and 5 U.S.C. § 552a, the agencies named in subsection 3(3) shall integrate applicable databases with FSMA to provide minimum necessary indicators only for real-time verification of—

- (1) identity, lawful status, and status expiration;
- (2) criminal history indicators, active warrants, and disqualifying convictions;
- (3) employment eligibility and employer compliance flags;
- (4) tax compliance indicators limited to: (A) “filed / not filed”; (B) “extension on record / not on record”; (C) “balance due delinquency flag / no flag”; and (D) “audit selection flag / no flag,” and no tax return amounts, income amounts, or line-item return information; and
- (5) foreign verification signals provided by the Department of State.

(b) Nothing in subsection (a) authorizes disclosure of tax return content beyond the indicator fields enumerated in subsection 3(5)(a)(4).

(c) The Under Secretary, acting through FSMA, shall define by regulation the scope and content of minimum necessary indicators, including enumerated data fields, permitted uses, and access

controls, sufficient to execute this Act.

(d) No inference of benefit eligibility. Nothing in this subsection shall be construed to create eligibility for any federal benefit, license, or discretionary permission; indicators exist for enforcement and administration only.

3(5)(c) Access controls (role-based and purpose-limited).

FSMA shall implement role-based access controls such that each agency and authorized user may access only those minimum necessary indicators required for the user's assigned function under this Act. Access shall be purpose-limited to enforcement and administration of this Act, and no indicator may be used for unrelated investigations except as expressly authorized herein.

3(5)(d) Audit logging and oversight.

FSMA shall maintain tamper-evident audit logs of all access, queries, transmissions, edits, and exports, including user identity, agency, time, purpose code, and records accessed. Audit logs shall be retained for at least ten (10) years and shall be subject to quarterly internal compliance review and annual independent audit.

3(5)(e) Data minimization and retention.

FSMA shall collect and retain only those indicators defined as minimum necessary and shall adopt retention schedules by regulation.

3(5)(f) Penalties for misuse.

Any federal employee, contractor, or agent who knowingly accesses, uses, discloses, or permits access outside authorized duties under this Act shall be subject to immediate termination of access privileges, mandatory removal from any FSMA-connected position, and criminal penalties under applicable federal law and this Act.

3(6) Standardization authority.

The Under Secretary, acting through FSMA, shall standardize forms, protocols, data formats, and interagency procedures necessary to operate this Act.

Section 4. Supremacy; Conflict Resolution; Clarification; Economic Adjustment.

4(1) Supremacy (federal conflicts).

If any prior federal statute or regulation conflicts with this Act, this Act shall control to the extent of the conflict and the conflicting provision shall be inoperative solely to the extent necessary to give effect to this Act.

4(2) Conflict identification and notice.

The Under Secretary shall maintain a formal register of conflicts and shall provide written notice to the President and Congress identifying—

(a) the conflicting authority;

- (b) the operational effect of the conflict; and
- (c) the minimum corrective action needed to implement this Act without altering its text.

4(3) Regulatory conflict resolution (non-statutory conflicts only).

To the extent a regulation conflicts with this Act, FSMA shall promulgate conforming regulations that implement this Act, and the conflicting regulation shall have no force or effect to the extent of conflict.

4(4) Statutory conflicts—mandatory Technical Corrections Package.

(a) If the Under Secretary determines that a prior federal statute conflicts with this Act, the Under Secretary shall submit to Congress a proposed Technical Corrections Package containing narrowly tailored conforming amendments to reconcile the prior statute with this Act without changing the substance of this Act.

(b) The Technical Corrections Package shall specify the exact conflicting language and the proposed conforming language.

(c) Nothing in this Act authorizes any officer or agency to suspend or nullify an Act of Congress by certification or executive directive.

4(5) Interpretive guidance (non-amending).

The Under Secretary may issue interpretive guidance to clarify definitions, procedures, and technical standards where ambiguity exists, solely to effectuate the text enacted by Congress; such guidance may not function as an amendment.

4(6) Immutable core.

No executive action or guidance may be used to delay, dilute, suspend, or negate any mandatory requirement of this Act.

Section 5. Economic Adjustment of Monetary Thresholds.

5(1) Annual adjustment requirement.

All fixed dollar amounts stated in this Act—including penalties, fees, bond amounts, minimum balances, and thresholds—shall be adjusted annually to account for inflation and changes in costs.

5(2) Index used for adjustment.

Adjustments shall be calculated using the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics within the Department of Labor.

5(3) Baseline year and calculation method.

Each dollar amount shall be adjusted from its baseline year value (year of enactment) using the percentage change in the index between the most recently available annual index and the baseline year index, rounded as specified by regulation.

5(4) Publication and effective date of adjustments.

FSMA shall publish updated dollar amounts in the Federal Register no later than January 1 of each year, and such adjustments shall take effect immediately upon publication.

5(5) Extraordinary cost adjustment authority (limited; 30-day delay).

If the Under Secretary determines that a specific cost category directly related to this Act has increased materially faster than the index, the Under Secretary may publish an extraordinary adjustment limited to the minimum necessary to cover the documented cost increase, including published evidence and methodology, and such extraordinary adjustment shall take effect thirty (30) days after publication in the Federal Register.

Section 6. Visitor and Academic Guest Operational Rules; Work Prohibitions; Conversion Limits; Public-Order Compliance for Academic Guests.

6(1) Visitor—Leisure and Personal (Visitor—L) prohibited from employment; five-year reentry bar.

A person classified as a Visitor—Leisure and Personal (Visitor—L) is strictly prohibited from engaging in any compensated labor, paid services, or domestic employment in the United States, including work paid in cash or “off the books,” and including remote/online work performed while physically present in the United States for a United States employer, United States client, or United States operation. Any violation constitutes a status-terminating violation and subjects the person to removal and a five (5) year bar on reentry.

6(2) Visitor—Business and Official (Visitor—B) limited activity; no entry into domestic labor market.

A person classified as a Visitor—Business and Official (Visitor—B) may engage only in short-term business or official activities that do not constitute participation in the United States domestic labor market as an employee, contractor, or wage earner. Permissible activities include attending meetings, negotiating contracts, participating in professional conferences, performing site visits, and other comparable activities determined by regulation to be consistent with temporary business presence. A Visitor—Business and Official (Visitor—B) is prohibited from performing compensated labor for a United States employer or providing services as a United States-based contractor.

6(3) Diplomatic and official immunity preserved.

Nothing in this Act alters or limits privileges and immunities applicable to accredited diplomats or officials under the Constitution, federal law, or treaties to which the United States is a party.

6(4) Visitor non-conversion rule (in-country).

A Visitor—Leisure and Personal (Visitor—L) or Visitor—Business and Official (Visitor—B) may not apply for Migrant TT status, Migrant WP status, or Harvest Migrant status from within the United States, and must depart the United States and apply from outside the United States.

Notwithstanding the foregoing, a Visitor may apply only for the humanitarian mechanisms expressly authorized by Section 18 and only to the extent permitted thereunder.

For avoidance of doubt, an Academic Guest may petition to convert to Migrant TT status or Migrant WP status under subsections 6(6) and 6(7), and may qualify for an exceptional necessity pathway only as expressly authorized by this Act.

6(5) Academic Guest permitted study; limited work as defined; no automatic migration.

A person classified as an Academic Guest is authorized to study pursuant to student status rules and may engage only in employment expressly permitted by the Academic Guest classification under federal regulation. An Academic Guest does not become a Migrant TT or Migrant WP by virtue of study.

6(5B) Academic Guest surety bond requirement; 30-day posting window; sponsor verification.

(a) As a condition of continued stay, each Academic Guest shall maintain an active Migrant Surety Bond (a five thousand dollar (\$5,000) repatriation/removal surety) issued by an FSMA-approved surety provider.

(b) An Academic Guest shall post and activate the Migrant Surety Bond no later than thirty (30) days after entry into the United States.

(c) Failure to activate the Migrant Surety Bond within the 30-day period constitutes a status violation subject to administrative action and removal under this Act.

(d) The Academic Guest's school sponsor shall verify bond activation through the FSMA portal as a condition of maintaining the student's sponsored status.

6(6) Academic Guest Bridge—provisional conversion (pre-graduation petition).

An Academic Guest may submit a provisional petition to convert to Migrant TT status or Migrant WP status up to six (6) months prior to the anticipated graduation date, subject to: proof of active enrollment and good standing; a verified job offer meeting applicable requirements under this Act; background clearance; and a plan for completing all required enrollment and compliance steps applicable to the requested category (Migrant TT or Migrant WP) as required by this Act and regulation.

6(6A) Academic Guest Bridge—Hire Americans First and exceptional necessity.

(a) Migrant WP conversion. A petition to convert to Migrant WP requires a verified job offer and employer compliance with Hire Americans First and employer compliance requirements under this Act, unless an exceptional necessity waiver expressly authorized by this Act applies.

(b) Migrant TT conversion. A petition to convert to Migrant TT requires a verified job offer and satisfaction of long-term-track requirements under this Act, including solvency enrollment steps and any employer compliance requirements applicable to the position.

(c) Exceptional necessity. Where the Academic Guest qualifies for an exceptional necessity pathway expressly authorized by this Act, any recruitment waiver may be granted only as permitted by that exceptional necessity authority; such waiver does not create any entitlement to admission, renewal, or citizenship.

6(7) Academic Guest Bridge—activation and deadline.

A provisional approval under subsection 6(6) shall activate only upon submission of proof of graduation and completion of all required enrollment and compliance steps applicable to the

requested category (Migrant TT or Migrant WP) as prescribed by this Act and regulation. If proof of graduation and required steps are not submitted within thirty (30) days after the end date of the academic term in which graduation was anticipated, the provisional approval is void and the individual must depart.

6(8) Academic Guest public-order compliance; no immunity from prosecution.

(a) Continued presence in the United States as an Academic Guest is conditioned on compliance with federal, state, and local criminal law and lawful orders of law enforcement during public gatherings.

(b) Nothing in this section confers immunity, amnesty, diversion, or any “get out of jail” effect. This section governs only immigration status under this Act. Federal, state, county, and municipal authorities retain full authority to arrest, charge, detain, prosecute, and punish any Academic Guest for criminal offenses.

6(9) Triggering acts; initiation pathways.

If an Academic Guest is involved in any of the following acts in connection with a public demonstration, riot, or civil disorder, FSMA may initiate the expedited status process in subsections 6(10) through 6(14) by either: (i) arrest-and-charge, or (ii) authenticated evidence and identity confirmation under subsection 6(9A): arson; vandalism or felony-level property destruction; assault or battery; rioting or inciting a riot; looting, burglary, or theft during a declared civil disorder or while a lawful dispersal order is in effect; obstructing law enforcement by violence or coordinated interference; or possession/use/deployment of incendiary devices or weapons in violation of law.

6(9A) Evidence-based trigger without arrest or charge.

(a) FSMA may initiate the process even where no local arrest or criminal charge has occurred if: (1) FSMA possesses authenticated video, photographic, or documentary evidence of a covered act; and (2) FSMA can identify the Academic Guest by biometric match, government-issued identity record, or other reliable method defined by regulation.

(b) The Notice under subsection 6(10) shall include a summary of the evidence and the identity basis.

(c) The standard of proof remains preponderance of the evidence.

6(10) Notice of proposed removal; response schedule (dual-channel service; sponsor notice).

(a) Within seven (7) days of a triggering event under subsection 6(9) or 6(9A), FSMA shall serve the Academic Guest a written Notice of Proposed Status Revocation and Removal stating the allegations and a summary of the evidence, by delivery to the registered physical address and to the registered email address on file with FSMA, and by notice to the school sponsor through the sponsor notification channel maintained by FSMA.

(b) The Academic Guest shall have twenty-one (21) days from service of the Notice to submit a written response and any supporting materials.

(c) FSMA may grant one (1) extension of up to seven (7) days upon a showing of good cause.

6(10A) Registered address and registered email; duty to update; no-notice defense barred.

(a) Every Academic Guest shall maintain with FSMA a current registered physical address and current registered email address.

(b) Any change of registered physical address or registered email address must be reported to FSMA within five (5) business days of the change.

(c) Service to the most recent registered physical address and registered email address on file constitutes valid service, and failure to update contact information within the required period bars any claim that notice was not received.

6(11) Administrative determination (preponderance standard).

FSMA shall assign an administrator to make an expedited determination. The administrator shall issue a written determination no later than thirty (30) days after service of the Notice, or thirty-seven (37) days if an extension under subsection 6(10)(c) is granted.

6(12) Appeal to Field Magistrate.

(a) The Academic Guest may appeal an adverse administrative determination to a Field Magistrate.

(b) The appeal must be filed within fourteen (14) days after service of the administrator's determination.

(c) The Field Magistrate shall issue a ruling no later than twenty-one (21) days after the appeal is filed, unless one good-cause extension of up to fourteen (14) days is granted.

6(13) Finality; mandatory internal review when Magistrate reverses; removal deadlines.

(a) If the Field Magistrate affirms the administrator's determination, status is revoked and a Final Notice of Removal shall issue; the affirmance is final within this subsection.

(b) If the Field Magistrate reverses the administrator's determination, the case shall be subject to mandatory internal review by a three-judge panel, which must issue a decision within fourteen (14) days.

(c) When a Final Notice of Removal issues, the Academic Guest shall depart within seven (7) days.

6(14) Final Notice of Removal; voluntary departure; detention and removal; reentry bars.

(a) A Final Notice of Removal shall be served immediately upon final affirmance of removability.

(b) The Academic Guest shall depart within seven (7) days of service.

(c) If the Academic Guest fails to depart within seven (7) days, Immigration and Customs Enforcement shall detain the Academic Guest and remove the Academic Guest.

(d) Removal costs shall be assessed to the individual and satisfied through the Migrant Surety Bond or other lawful collection mechanisms.

(e) Removal under this section results in a five (5) year reentry bar, and a ten (10) year bar where underlying conduct includes arson, use of an incendiary device, assault with injury, or felony-level property destruction.

6(15) Legal representation; no taxpayer-funded counsel.

The Academic Guest may retain counsel at the Academic Guest's own expense. No federal funds shall be used to provide legal counsel for proceedings under this section except for non-advocacy rights advisement required by regulation.

6(16) Rule of construction.

Nothing in this section restricts lawful peaceful speech or lawful peaceful assembly. Enforcement is based on unlawful conduct and is adjudicated under the administrative and magistrate processes herein.

Section 7. Long-Term Status Framework: Probationary Migrant TT and Tenured Migrant TT; Voluntary Naturalization; Dependent Compliance.

7(1) Phase 1—Probationary Migrant TT (Years 1 through 10).

A person classified as a Migrant TT and admitted under this Act's long-term track shall be placed into Probationary Migrant TT status for ten (10) consecutive years of lawful presence.

7(2) Phase 1 conditions and renewal.

(a) Probationary Migrant TT status shall be renewed on a schedule established by regulation, not less frequently than annually.

(b) Renewal is conditioned on strict compliance with this Act, continued lawful conduct, continuous solvency compliance, and compliance with all registration, reporting, and contact-update obligations.

(c) Registered contact information. A Probationary Migrant TT shall maintain a registered physical address and registered email address with FSMA and shall report any change within five (5) business days. Service to the last registered physical address and registered email address constitutes valid service.

(d) Biometric re-verification. Each renewal requires biometric re-verification on a schedule established by regulation, not less frequently than annually.

(e) Continuous solvency compliance. Each renewal requires proof of continuous compliance with all solvency requirements applicable to the individual under this Act, including required insurance and bond coverage.

(f) Tax compliance checkpoint. Each renewal requires proof that the prior year's federal tax filing obligations were met or that a lawful filing extension is on record.

7(2A) Disqualifying events (Phase 1 termination triggers).

Probationary Migrant TT status shall be revoked and removal proceedings initiated upon any of the following:

(a) a felony conviction;

(b) a second misdemeanor conviction (as defined in the criminal section of this Act);

(c) fraud or material misrepresentation in any application, record, bond, or solvency filing;

(d) failure to maintain required surety bond coverage (where applicable);

(e) failure to maintain required catastrophic health coverage;

(f) failure to maintain registered contact information or repeated nonresponse to lawful notices;

(g) unlawful employment or material breach of employment authorization conditions; or

(h) any act resulting in mandatory termination under the Academic Guest public-order compliance section (if applicable by conversion).

7(2B) Renewal mechanics; automatic lapse.

- (a) A renewal petition must be filed no later than 30 days before expiration.
- (b) If not filed on time, status automatically lapses and the individual becomes removable unless reinstated under a single good-cause reinstatement allowed by regulation.
- (c) No more than one reinstatement may be granted in any five-year period.

7(3) Phase 1 restrictions (voting, jury service, office-holding, campaign activity).

A Probationary Migrant TT:

- (a) shall not vote in any federal, state, or local election;
- (b) shall not serve on a jury;
- (c) shall not access means-tested federal welfare benefits, provided that unemployment insurance benefits for which the individual is eligible based on prior covered employment shall not be classified as means-tested welfare and shall not be treated as a violation of solvency or public-charge restrictions under this Act;
- (d) shall not be a candidate for, be elected to, be appointed to, or serve in any public office of the United States, any State, or any political subdivision thereof; and
- (e) shall not make political contributions, expenditures, or donations, and shall not solicit, collect, bundle, or fundraise political contributions or donations in connection with any federal, state, or local election; violation of this subsection is a status violation.

7(4) Phase 1 employment authorization.

A Probationary Migrant TT may work in the United States only as authorized under this Act and applicable federal regulations, subject to employer compliance and verification requirements.

7(5) Phase 2—Tenured Migrant TT (Year 11 and thereafter).

Upon successful completion of ten (10) consecutive years in Probationary Migrant TT status without a disqualifying event, a Migrant TT shall transition to Tenured Migrant TT status.

7(6) Tenured Migrant TT renewable stability (forever-migrant option).

- (a) Tenured Migrant TT status may be renewed in five (5) year increments indefinitely, provided the person remains compliant and solvent.
- (b) Tenured Migrant TT status does not confer voting rights.
- (c) A Tenured Migrant TT may remain in Tenured status for life without petitioning for citizenship.
- (d) A Tenured Migrant TT shall remain barred from voting, public office candidacy/holding, and political contributions or fundraising unless and until the individual becomes a United States citizen.
- (e) Registered contact duty. A Tenured Migrant TT shall maintain a registered physical address and registered email and report changes within five (5) business days; service to last registered contacts is valid.
- (f) Periodic biometric check. Tenured status renewals require biometric verification at renewal.
- (g) Tenured termination triggers. Tenured status is revoked upon: felony conviction; second misdemeanor; fraud; failure to maintain required bond/insurance (if applicable); or other disqualifying event defined by this Act.

7(6A) Extended absence reporting.

A Tenured Migrant TT who remains outside the United States for more than a period defined by regulation must file an absence notice and re-verification upon return; failure constitutes a status violation.

7(6B) Tenured Migrant TT electronic check-in; renewal.

(a) Electronic check-in. A Tenured Migrant TT shall complete an electronic status check-in every three (3) years, confirming current address, employer (if employed), solvency compliance, and dependent registry compliance.

(b) Card renewal. Tenured Migrant TT status shall be renewed on five (5) year increments, conditioned on continued compliance and solvency.

7(6C) Age-of-majority reset (no dynasty rule).

(a) A dependent child of a Migrant TT household “ages out” at 18 and may not remain in the United States solely by virtue of the parent’s status.

(b) To remain, the individual must apply for an independent status under this Act (Academic Guest, Migrant TT, or Migrant WP). If approved as Migrant TT, the individual begins their own 10+10 clock upon approval. If approved as Migrant WP, no time accrues toward the 10+10 framework unless and until re-designated as Migrant TT under standards prescribed by regulation.

(c) Time spent in the United States as a dependent does not count toward eligibility for naturalization.

7(7) Dependent registration; education compliance.

(a) Dependent registry. A Probationary Migrant TT or Tenured Migrant TT shall register each dependent child residing with the household with FSMA within five (5) business days of the child’s arrival in the household or within five (5) business days of the Migrant TT’s entry, whichever is later.

(b) School enrollment proof. If a dependent child is of compulsory school age under state law and resides in the household, the Migrant TT shall provide proof of lawful school enrollment (public or private) within thirty (30) days of the child reaching compulsory age or joining the household, whichever occurs later.

(c) Condition of renewal. Failure to maintain dependent registration and school enrollment proof constitutes a compliance breach and is grounds for denial of renewal.

7(8) Dependent health coverage requirement (non-citizen dependents).

If a dependent child residing with a Migrant TT household is not a United States citizen, the Migrant TT shall demonstrate, as a condition of renewal, that the child is covered by a private catastrophic health policy with a deductible not to exceed five thousand dollars (\$5,000) (Consumer Price Index-adjusted), sufficient to prevent uncompensated taxpayer-funded care beyond the deductible.

7(10) Voluntary naturalization eligibility (“the 20-year door”).

A Tenured Migrant TT becomes eligible to petition for United States citizenship only after completing ten (10) full years in Tenured Migrant TT status, for a total of twenty (20) years of lawful presence under this Act.

7(11) Naturalization requirements (affirmative proof).

An applicant for naturalization must affirmatively demonstrate:

- (a) civics mastery as required by regulation and examination;
- (b) English proficiency as defined in Section 8 of this Act; and
- (c) a tax-compliance audit covering the applicant's period of lawful presence under this Act.

7(12) No mandate to naturalize.

Nothing in this Act requires a Tenured Migrant TT to naturalize. Remaining a Tenured Migrant TT is a lawful permanent option under this Act.

Section 8. English Proficiency Standard for Naturalization; No Waivers; Findings.

8(1) Definition.

Wherever this Act requires "English proficiency" as a condition for voluntary naturalization, English proficiency shall mean functional competency at approximately a United States sixth-grade level sufficient for independent civic participation.

8(2) Components of proficiency (four domains).

An applicant shall demonstrate proficiency in each of the following domains:

- (a) Speaking. Ability to communicate orally in English without an interpreter in common real-world situations, including explaining personal history, employment history, and responding to lawful instructions.
- (b) Reading. Ability to read and understand in English standard public notices, employment manuals, local news summaries, and government forms commonly encountered by residents.
- (c) Listening. Ability to understand the main points and relevant details of clear, standard English speech encountered in daily life, work settings, and government interactions.
- (d) Writing. Ability to write a coherent paragraph in English on a familiar topic using basic grammar, punctuation, and sentence structure.

8(3) Testing and integrity.

- (a) Testing shall be conducted by federally approved, trained proctors under secure conditions.
- (b) Test materials and scoring standards shall be standardized nationally and updated periodically to ensure consistency.
- (c) Results shall be recorded in the FSMA record for the applicant.

8(4) No waivers; alternative status.

No waivers shall be granted; all applicants must satisfy the standard as defined in this section. Individuals unable to meet this standard may remain in Tenured Migrant TT status indefinitely and are not required to naturalize.

8(5) Legislative findings and purpose (no-waiver rationale).

Congress finds and declares that:

- (a) United States citizenship is a high-trust legal status that carries voting authority and civic responsibilities;
- (b) functional English proficiency is necessary for independent participation in civic life, comprehension of legal obligations, and safe interaction with government and emergency services;
- (c) the purpose of a uniform standard without waivers is to protect the integrity of citizenship and prevent unequal or inconsistent administration; and
- (d) individuals who are unable or unwilling to meet the naturalization benchmarks may remain lawfully in Tenured Migrant TT status indefinitely and are not required to naturalize.

Section 9. Visa Violations and Overstay Penalties (Sovereign Gatekeeping).

9(0) Definition—Authorized Period of Admission.

For purposes of this section, “Authorized Period of Admission” means the period of lawful stay shown on the individual’s official admission record, including the “admit-until” date recorded at entry, or, where admission is governed by a status-duration standard rather than a fixed date, the lawful end-of-status date as recorded by FSMA.

9(1) Automatic overstay flagging.

Any non-citizen admitted to the United States for an Authorized Period of Admission who remains beyond that Authorized Period of Admission without a lawful extension, lawful change of status, or other lawful authorization shall be flagged as a Visa Violator in applicable federal biometric and immigration status systems.

9(2) Civil overstay penalty payable to the United States.

A Visa Violator is ineligible for any future admission, visa issuance, parole consideration, or adjudication of an application for entry until a civil overstay penalty of two thousand five hundred dollars (\$2,500) (Consumer Price Index-adjusted pursuant to Section 5) is paid in full to the United States.

9(3) Condition precedent; no entitlement created.

Payment of the civil overstay penalty is a condition precedent to future adjudication and does not guarantee admission or approval of any future application.

9(4) Permanent attachments to identity record.

The civil overstay penalty remains attached to the individual’s identity record until paid and does not expire.

9(5) Interest on unpaid penalties.

If the civil overstay penalty remains unpaid for more than five (5) years, it shall accrue interest at an annual rate set by regulation, not to exceed a rate equal to the prevailing federal short-term rate plus a defined margin.

9(6) Collection and administration.

FSMA shall administer payment methods, receipts, and compliance indicators for the overstay penalty and shall provide minimum necessary indicators to relevant agencies for enforcement.

9(7) Mistaken flag correction (administrative dispute).

A person flagged as a Visa Violator may file a petition with FSMA to correct a mistaken overstay flag by submitting proof of timely departure, lawful extension, or other lawful basis.

9(8) Decision deadline.

FSMA shall issue a written decision within thirty (30) days of receiving a complete petition. If the petition is granted, the flag shall be removed and any associated penalties voided.

9(9) Safe harbor during pending dispute.

While a timely filed dispute petition is pending, the individual shall not be denied adjudication solely on the basis of the disputed flag, provided the person is otherwise eligible.

9(10) No parole to cure overstay; no mass parole program effect; no Deferred Action or Covered Discretionary Stay cure.

(a) No cure. A grant of parole does not cure, erase, suspend, or negate a Visa Violator flag, an overstay penalty, or a removal basis arising from overstay unless Congress expressly authorizes such effect by statute.

(b) No class relief. No mass parole program may be used to prevent flagging, to prevent penalty attachment, or to prevent removal consequences arising under this section.

(c) Record requirement. Any parole granted to an individual who has an overstay flag must include a written individualized record stating: (1) the specific emergency basis; (2) the specific duration; and (3) why immediate removal is not operationally feasible; such parole does not authorize work unless an Act of Congress expressly provides otherwise.

(d) No Deferred Action or Covered Discretionary Stay cure. Deferred Action or any Covered Discretionary Stay does not cure, erase, suspend, or negate a Visa Violator flag, an overstay penalty, or a removal basis arising from overstay. Deferred Action and Covered Discretionary Stay do not authorize employment unless an Act of Congress expressly provides otherwise.

Section 10. Passport Maintenance Requirement (No Passport, No Status; Narrow Exceptions; Immediate Enforceability).

10(1) Passport required for issuance of status.

No non-citizen may be issued any status under this Act—including Visitor—Leisure and Personal (Visitor—L), Visitor—Business and Official (Visitor—B), Academic Guest, Migrant TT, Migrant WP, Harvest Migrant, or Protected Migrant—without presenting a valid, unexpired passport issued by the person’s country of nationality.

10(2) Passport maintenance required for renewal and continued stay.

All non-citizens holding any status under this Act shall maintain a valid, unexpired passport at all times while present in the United States. A passport must extend at least six (6) months beyond any requested renewal period.

10(3) No waiver; general rule.

Inability, refusal, or failure to obtain or renew a passport from the country of nationality is grounds for denial, non-renewal, or revocation of status under this Act. No discretionary waiver shall be granted.

10(4) Narrow exception—documentary impossibility due to collapse of issuing authority.

(a) Certification of documentary impossibility. The general rule in subsection 10(3) may be temporarily suspended only if the Secretary of State certifies in writing that the individual's country of nationality has experienced governmental collapse or comparable institutional failure such that passports cannot be issued or renewed in a reliable manner.

(b) Temporary identity instrument; limited duration. Upon the certification described in subsection 10(4)(a), FSMA may issue a temporary identity instrument for status administration only, valid for no more than twelve (12) months, renewable only upon continued certification by the Secretary of State.

(c) No benefit expansion. This exception does not create any path to citizenship, does not expand any rights, and does not permit entry into any status not otherwise authorized by this Act.

(d) Re-documentation duty. The individual shall obtain a valid passport within thirty (30) days after the Secretary of State certifies that passport issuance has resumed, or within thirty (30) days after the individual becomes able to obtain a passport through any lawful channel, whichever occurs earlier.

(e) Termination for noncompliance. Failure to re-document within the thirty (30) day period in subsection 10(4)(d) is a status violation and triggers removal under this Act.

10(4A) Narrow exception—documented statelessness or individualized refusal-to-issue.

(a) Individualized certification only. FSMA may issue a temporary identity instrument under this subsection only upon a written individualized certification by the Secretary of State that: (1) the person is credibly documented as stateless, or (2) the person's country of nationality has refused to issue or renew a passport to the person despite documented good-faith attempts, and that such refusal is verifiable through diplomatic channels.

(b) No admission expansion; no work by default. A temporary identity instrument under this subsection does not expand eligibility for any status not otherwise authorized by this Act and does not authorize employment unless the person already holds an employment-authorizing category under this Act.

(c) Term and renewals. The instrument is valid for not more than six (6) months, renewable only upon updated individualized certification.

(d) Priority for departure. FSMA shall treat persons under this subsection as priority for removal or repatriation to any lawful receiving country where permitted, consistent with NRPD limitations if applicable.

10(5) Enforcement.

Failure to maintain a valid passport (except as narrowly allowed by subsections 10(4) or 10(4A)) constitutes a status violation subject to administrative action and removal pursuant to this Act.

Section 11. Harvest Migrant Program (Seasonal Agricultural Labor).

11(1). Purpose and scope.

This section creates a seasonal agricultural labor status to meet temporary harvest labor needs while preventing taxpayer burdens, preventing importation of dependents, and preventing seasonal labor status from becoming a settlement pathway.

11(2). Duration and presence limit (6-in-9 commuter model).

- (a) A Harvest Migrant is granted a nine (9) month authorization window.
- (b) Within that nine (9) month window, physical presence in the United States is limited to an aggregate maximum of one hundred eighty (180) days.
- (c) A Harvest Migrant may depart and re-enter multiple times during the nine (9) month window provided the one hundred eighty (180) day aggregate cap is not exceeded.

11(3). No minors; limited spouse accompaniment.

- (a) A Harvest Migrant may not be accompanied by dependent children under eighteen (18) years of age.
- (b) A Harvest Migrant may be accompanied by a legal spouse only if the spouse independently satisfies all bond, identity, and insurance requirements applicable to Harvest Migrants.

11(4). Migrant Surety Bond requirement (migrant-paid; portable).

- (a) Prior to entry, each Harvest Migrant shall secure a Migrant Surety Bond (a five thousand dollar (\$5,000) repatriation/removal surety) issued by an FSMA-approved surety provider.
- (b) The Migrant Surety Bond is attached to the individual Harvest Migrant and is portable across employers and worksites during the authorized period.
- (c) Employers shall verify the existence of an active Migrant Surety Bond through the FSMA compliance interface before work begins.

11(5). Harvest Migrant Solvency Contribution (worker-funded; consistent with Standard Migrant).

- (a) Each Harvest Migrant shall contribute five percent (5%) of gross wages into that individual's Migrant Solvency Account administered by FSMA.
- (b) Funds in the Migrant Solvency Account are restricted to approved solvency uses under this Act and are not a wage bonus.
- (c) The Migrant Solvency Account remains active across seasons and employers, and applies to the individual rather than the employer.
- (d) Withholding responsibility. The employer of record shall withhold the five percent (5%) contribution from each Harvest Migrant's gross wages at each payroll cycle.
- (e) Remittance destination. Withheld amounts shall be remitted to FSMA for deposit into the individual's Migrant Solvency Account, identified by the individual's FSMA registration

number.

- (f) Remittance schedule. The employer shall remit withheld amounts to FSMA on the same cadence as payroll tax remittances and in no event less frequently than monthly, using an electronic method prescribed by FSMA.
- (g) Trust treatment; non-diversion. Amounts withheld under this subsection are held in trust for the United States and may not be retained, commingled for operating use, or diverted.
- (h) Enforcement and penalties for non-remittance. If an employer fails to withhold or remit as required—
 - (1) the employer is liable for the unpaid amount plus an administrative penalty set by regulation;
 - (2) the employer's eligibility to hire Harvest Migrants is suspended until cured; and
 - (3) repeated noncompliance is treated as a Tier 2 or Tier 3 employer violation under this Act depending on evidence of willfulness or concealment.

11(6). Employer labor charge into Federal Solvency Reserve (10%; not worker-owned).

- (a) For each Harvest Migrant employed, the employer shall pay a labor charge equal to ten percent (10%) of the Harvest Migrant's gross wages into the Federal Solvency Reserve administered by FSMA.
- (b) This labor charge is non-refundable and is designed to preserve domestic wage preference and ensure taxpayer neutrality.
- (c) The Federal Solvency Reserve may be used only for system-level solvency purposes defined by regulation consistent with this Act.
- (d) Employer-paid; no pass-through. The employer shall pay the labor charge in addition to wages and shall not deduct it from, offset it against, or otherwise charge it to the worker directly or indirectly.
- (e) Remittance destination. The employer shall remit the labor charge to FSMA for deposit into the Federal Solvency Reserve, tagged to the employer's federal employer identification number and the worker's FSMA registration number.
- (f) Remittance schedule. The employer shall remit the labor charge on the same cadence as payroll tax remittances and in no event less frequently than monthly, using an electronic method prescribed by FSMA.
- (g) Trust treatment; non-diversion. Amounts due under this subsection are held in trust for the United States and may not be delayed, retained, or commingled for operating use beyond the permitted remittance cadence.
- (h) Enforcement and penalties for non-remittance. If an employer fails to remit as required—
 - (1) the employer is liable for the unpaid amount plus an administrative penalty set by regulation;
 - (2) the employer's eligibility to hire Harvest Migrants is suspended until cured; and
 - (3) repeated noncompliance is treated as a Tier 2 or Tier 3 employer violation under this Act depending on evidence of willfulness or concealment.

11(7). Five-year non-return refund (“cash-out ends program participation”).

- (a) If a Harvest Migrant does not re-enter the United States in Harvest Migrant status for a continuous period of five (5) years, FSMA shall treat the individual's Harvest participation as terminated.
- (b) Upon termination, FSMA shall refund the remaining balance of the individual's Migrant Solvency Account to the individual through a verified transfer method.
- (c) Acceptance of the refund constitutes a final cash-out of Harvest participation; the individual

may not re-enter the United States under Harvest Migrant status thereafter except through a new, separately authorized pathway created by Congress.

11(8). Minor accompaniment enforcement (status-terminating).

Any attempt by a Harvest Migrant or accompanying spouse to bring a minor child into the United States under Harvest Migrant status constitutes a status-terminating violation resulting in removal and a reentry bar as provided by this Act.

11(9). Overstay and removal costs.

(a) Exceeding the one hundred eighty (180) day presence cap or remaining beyond the nine (9) month authorization window constitutes an overstay violation subject to Section 9 and removal provisions of this Act.

(b) Removal costs are satisfied through the Migrant Surety Bond and other lawful collection mechanisms under this Act.

11(10). Explicit non-settlement rule (no transition to long-term status by presence).

Time in Harvest Migrant status shall not count toward Migrant TT eligibility, shall not create eligibility for any long-term status by passage of time, and shall not be used as a basis for in-country adjustment except as expressly authorized by Congress.

Section 12. Financial Sovereignty: Migrant Solvency Account, Removal Guarantee, Catastrophic Health Coverage, Federal Solvency Reserve, and Retirement Minimums.

12(1). Purpose.

This section establishes financial architecture to ensure that non-citizen presence does not create taxpayer-funded liabilities and that solvency obligations are enforceable through restricted accounts and verified coverage.

12(2). Migrant Solvency Account (restricted-use account).

(a) Each Migrant TT and each Migrant WP shall maintain a Migrant Solvency Account administered by FSMA.

(b) The Migrant Solvency Account is a restricted-use account used only for statutorily authorized purposes defined in subsection 12(7).

(c) The Migrant Solvency Account is funded through payroll withholding mechanisms defined by this Act and implementing regulations.

12(3). Migrant Solvency Account funding contribution and “fully funded” threshold.

(a) Each Probationary Migrant TT, Tenured Migrant TT, and Migrant WP authorized to work shall contribute an amount equal to five percent (5%) of gross wages into the Migrant Solvency Account until the Migrant Solvency Account reaches the fully funded threshold.

(b) The Migrant Solvency Account is “fully funded” when the balance reaches ten thousand dollars (\$10,000), adjusted annually pursuant to Section 5.

12(4). Stability reward (two years no disbursements = stop the additional five percent).

(a) If the Migrant Solvency Account remains fully funded and no disbursements of any kind have been made from the Migrant Solvency Account for a continuous period of twenty-four (24) months, the Migrant may elect to suspend the five percent (5%) Migrant Solvency Account contribution described in subsection 12(3)(a).

(b) The election shall be made through the FSMA system and shall take effect beginning with the next payroll period after confirmation.

12(5). Automatic restart of Migrant Solvency Account funding.

If at any time the Migrant Solvency Account balance falls below the fully funded threshold in subsection 12(3)(b) for any reason (including any disbursement), the five percent (5%) contribution described in subsection 12(3)(a) shall automatically resume and shall continue until the Migrant Solvency Account is again fully funded.

12(6). Removal Guarantee Requirement (Probationary Migrant TT and Migrant WP).

(a) Each Probationary Migrant TT (Years 1 through 10) and each Migrant WP shall maintain an active removal guarantee in one of the forms described in subsections 12(6A) or 12(6B).

(b) A Tenured Migrant TT (Year 11 and thereafter) is not required to maintain a removal guarantee under this section.

12(6A). Migrant Surety Bond (preferred method).

(a) The preferred removal guarantee is a Migrant Surety Bond (a five thousand dollar (\$5,000) repatriation/removal surety) issued by an FSMA-approved surety provider.

(b) The Migrant Surety Bond guarantees payment of removal-related costs upon a status-terminating violation.

(c) Proof of an active Migrant Surety Bond is a condition of renewal for a Probationary Migrant TT or Migrant WP unless the deposit alternative in subsection 12(6B) applies.

12(6B). Removal Deposit Account (required if bond is unavailable).

(a) If a Migrant is unable to obtain a Migrant Surety Bond from an FSMA-approved surety provider, the Migrant shall instead establish and fund a Removal Deposit Account in the face amount of five thousand dollars (\$5,000), adjusted annually pursuant to Section 5.

(b) The Removal Deposit Account shall be held in custody by FSMA and is restricted to removal and repatriation costs as provided in subsection 12(8).

(c) FSMA shall prescribe by regulation the acceptable proof standards for “bond unavailable” and the process for establishing the Removal Deposit Account.

12(7). Authorized uses (Migrant Solvency Account).

FSMA may authorize disbursements from a Migrant Solvency Account only for:

(a) the deductible portion of required catastrophic health coverage under subsection 12(9);
(b) civil penalties assessed under this Act that are expressly collectible from the individual;
(c) verified removal and repatriation costs collectible from the individual under this Act, but only after application of any Removal Deposit Account as provided in subsection 12(8); and

(d) other limited categories defined by regulation consistent with this Act's taxpayer-protection purpose.

12(8). Priority of claims and liquidation order (forced removal funding).

In any enforcement collection event, including involuntary removal, FSMA shall apply available funds in the following order:

- (a) unpaid medical deductibles and authorized medical obligations payable from the Migrant Solvency Account;
- (b) civil penalties owed by the individual under this Act;
- (c) removal and repatriation costs, satisfied first from the Removal Deposit Account (if present), and then from any remaining Migrant Solvency Account balance to the extent permitted by this Act; and
- (d) any remainder as provided under subsection 12(10) (Golden Parachute).

12(9). Catastrophic health coverage requirement (\$5,000 deductible).

- (a) Each Migrant TT, Migrant WP, and each non-citizen dependent residing with a Migrant household shall maintain private catastrophic health coverage with a deductible not to exceed five thousand dollars (\$5,000) (adjusted annually pursuant to Section 5).
- (b) The Migrant Solvency Account may be used to pay the deductible portion for covered events.
- (c) Workplace injuries remain governed by workers' compensation law and are not charged to the Migrant Solvency Account.

12(10). Voluntary departure refund (Golden Parachute).

- (a) If a Probationary Migrant TT, Tenured Migrant TT, or Migrant WP permanently departs the United States in good standing (voluntary departure without an active removal order), FSMA shall refund to the individual:
 - (1) any remaining balance of the Migrant Solvency Account; and
 - (2) any remaining balance of the Removal Deposit Account (if used).
- (b) No refund shall be issued until FSMA verifies departure through biometric exit records.
- (c) If the individual is removed involuntarily under an order of removal, refunds under this subsection do not apply and funds are instead applied under subsection 12(8).

12(11). Federal Solvency Reserve (system reserve).

- (a) The Federal Solvency Reserve is administered by FSMA and exists to protect taxpayers and ensure system solvency.
- (b) The Federal Solvency Reserve receives employer labor charges for Harvest Migrants and employer labor tariffs under this Act, residual balances directed by statute, civil penalties allocated by statute, and other statutory receipts.
- (c) The Federal Solvency Reserve may be used only for system-level solvency purposes defined by regulation consistent with this Act.

12(12). Migrant Retirement Account (after-tax retirement minimum).

- (a) Each Probationary Migrant TT, Tenured Migrant TT, and Migrant WP authorized to work shall maintain a federally recognized individual retirement account designated as a Migrant Retirement Account.
- (b) The Migrant Retirement Account shall be structured and treated, for contribution limits and

tax treatment, in the manner of a Roth Individual Retirement Account under section 408A of the Internal Revenue Code (26 U.S.C. § 408A), except as expressly modified by this Act.

(c) Required minimum contribution. The Migrant shall contribute a baseline amount equal to five percent (5%) of gross wages into the Migrant Retirement Account, but only to the extent lawful for that individual for that year; if five percent (5%) would exceed the individual's lawful contribution limit or is otherwise unlawful, the Migrant shall contribute the maximum lawful amount to a federally approved equivalent after-tax retirement vehicle designated by the Secretary of the Treasury for purposes of this Act.

(d) No amount in excess of lawful limits shall be withheld or required under this Act. Nothing in this Act limits a Migrant's ability to make lawful additional savings or investments outside the mandatory minimums.

(e) Funds in the Migrant Retirement Account are non-withdrawable prior to age sixty-five (65) except for death/beneficiary transfer as provided by regulation.

12(13). Withholding and remittance mechanics (monthly minimum).

(a) The employer of record shall withhold required Migrant Solvency Account and Migrant Retirement Account contributions at each payroll cycle and remit:

(1) Migrant Solvency Account contributions to FSMA for deposit into the individual Migrant Solvency Account; and

(2) Migrant Retirement Account contributions to the approved retirement custodian designated by the Migrant and registered with FSMA.

(b) Remittances shall occur on the same cadence as payroll tax remittances and in no event less frequently than monthly, using electronic remittance methods prescribed by FSMA.

(c) Amounts withheld are held in trust and may not be diverted or commingled for operating use.

12(14). Enforcement for failure to maintain solvency.

Failure to maintain required catastrophic coverage or required removal guarantee coverage (bond or deposit) is a status violation and grounds for denial of renewal, revocation, and removal pursuant to this Act.

12(15). No public charge externalization (explicit).

No Migrant TT or Migrant WP may remain present in the United States unless the person remains continuously solvent as defined by this Act; inability to maintain required coverage or required balances is an objective noncompliance trigger under Section 30.

Section 13. Employer Compliance Officers, Training, and Access to Employment Verification Systems.

13(1). Purpose.

This section professionalizes employment eligibility compliance to prevent illegal hiring, ensure uniform employer understanding of the law, protect American wages, and remove "ignorance" as a defense.

13(2). Chief Immigration Compliance Officer requirement (20-employee threshold).

(a) Any employer with twenty (20) or more full-time equivalent employees shall designate a Chief Immigration Compliance Officer (CICO) responsible for compliance with employment eligibility verification duties and related obligations under this Act.

(b) The CICO shall be the primary point of contact for audits, notices, and compliance actions under this Act.

13(3). Functional Human Resources rule (10 hours per week).

Regardless of employer size, if any individual performs hiring, onboarding, employment eligibility verification, or employment compliance duties for more than ten (10) hours per week, that individual is deemed Functional Human Resources (Functional HR) for purposes of this Act.

13(4). Two-tier training and certification system.

(a) Level 1—Federal Hiring Basics (small business authorization) and recertification. For employers with fewer than twenty (20) employees and without any Functional Human Resources, the account holder responsible for hiring shall complete and pass a federal “Hiring Basics” training module prescribed by FSMA. Level 1 authorization must be renewed by recertification at least once every two (2) years, in a form prescribed by FSMA. Completion and recertification shall be recorded in the FSMA registry as a condition of active Level 1 authorization.

(b) Level 2—National Employment Eligibility Certification (NEEC). For employers with twenty (20) or more employees, and for any Functional Human Resources individual, the responsible person must obtain and maintain a National Employment Eligibility Certification by passing a proctored federal exam and completing annual recertification training. Initial certification and annual recertification shall be recorded in the FSMA registry as a condition of active Level 2 certification.

13(5). Employment verification access lock.

An employer may not access or use the FSMA Verification System or any federal employment verification mechanism required by this Act unless the employer has satisfied the training and certification requirements in subsection 13(4), as applicable.

13(6). Vacancy posting and United States worker recruitment record (skills-gap verification). Where this Act requires an employer to demonstrate unavailability of qualified United States workers for a position, the employer shall maintain recruitment records, including job postings, applicant counts, interview notes, and reasons for nonselection, in a format prescribed by FSMA.

13(7). Certification revocation and employment bar for willful violations.

(a) If an individual holding a National Employment Eligibility Certification is found to have knowingly participated in or enabled systemic hiring fraud under this Act, the certification shall be revoked.

(b) Upon revocation for a willful violation, the individual shall be barred from performing Functional Human Resources duties or serving as a Chief Immigration Compliance Officer for a period of ten (10) years.

13(8). Certification registry with FSMA.

(a) FSMA shall maintain a national registry of individuals who have completed Level 1 Federal Hiring Basics authorization and individuals holding Level 2 National Employment Eligibility Certification.

(b) For each registered individual, the registry shall include: identity, employer affiliation (if any), certification tier, initial certification date, most recent recertification date, and expiration date.

(c) An employer shall be deemed noncompliant with this Act if the employer relies on an individual whose certification status is not active in the FSMA registry at the time of hiring actions.

13(9). Mandatory audit acceptance (condition of system access).

Any employer accessing the FSMA Verification System consents, as a condition of access, to compliance audits limited to hiring verification, recruitment records required by this Act, and tariff remittance records required by this Act; refusal constitutes noncompliance and triggers lockout.

Section 14. Employer Enforcement, Tiered Penalties, Architect-of-Fraud Targeting, and Whistleblower Rewards.

14(1). Universal employment eligibility verification.

All employers in the United States shall use the FSMA Verification System for every new hire in accordance with this Act and implementing regulations.

14(2). Tier 1—Administrative negligence (non-willful errors).

(a) A Tier 1 violation occurs when an employer commits a non-willful compliance failure without evidence of concealment or intentional circumvention.

(b) Tier 1 penalties shall include mandatory corrective training and civil penalties as set by regulation (Consumer Price Index-adjusted pursuant to Section 5).

(c) For a first-time Tier 1 violation, penalties may be reduced or cured upon timely completion of remedial training and correction of the compliance failure as prescribed by regulation.

14(3). Tier 2—Knowing noncompliance or willful blindness.

(a) A Tier 2 violation occurs when an employer knowingly fails to use the FSMA Verification System, ignores compliance flags, or continues to employ unauthorized workers after notice, without evidence of systemic fraud.

(b) Tier 2 penalties shall include:

(1) a civil penalty of not less than ten thousand dollars (\$10,000) per unauthorized worker (Consumer Price Index-adjusted pursuant to Section 5);

(2) mandatory compliance audits; and

(3) temporary suspension of the employer's eligibility to sponsor or hire additional Migrant WP, Migrant TT, or Harvest Migrants under this Act for a period of two (2) years, provided that nothing in this subsection shall be construed to require the termination of employment of any

Migrant TT or Migrant WP who is lawfully authorized to work and is already employed at the time the suspension begins.

14(4). Tier 3—Systemic fraud and concealment.

(a) A Tier 3 violation occurs when an employer engages in active concealment or systemic circumvention, including maintaining double books, paying cash to conceal identity, coaching falsification, or using shell entities to avoid compliance.

(b) Tier 3 penalties shall include:

(1) a civil penalty of not less than twenty-five thousand dollars (\$25,000) per unauthorized worker (Consumer Price Index-adjusted pursuant to Section 5);

(2) probationary oversight; and

(3) criminal referral for repeat offenders as provided in subsection 14(6).

14(5). Architect-of-fraud targeting; responsible corporate officer rule.

(a) Tier 3 liability shall attach to the specific individual or individuals who directed, authorized, or knowingly enabled the unlawful hiring scheme (“responsible corporate officer”), whether owner, site manager, regional manager, hiring manager, or Functional Human Resources personnel.

(b) Senior executives are personally liable only upon evidence of direction, knowledge, or deliberate failure to maintain required controls.

(c) This section is intended to prevent scapegoating and to target the architect of the violation.

14(6). Tier 3 strike structure (probation first, prison second).

(a) First Tier 3 finding against a responsible corporate officer results in: personal civil liability, two (2) years probationary oversight, and mandatory forensic compliance audits for the business unit under that officer’s control.

(b) Second Tier 3 finding against the same responsible corporate officer results in: mandatory imprisonment of not less than six (6) months and not more than two (2) years, followed by five (5) years probation.

(c) Upon a second Tier 3 finding, the responsible corporate officer is barred for ten (10) years from managing employees, serving as an officer of a corporation, or performing Functional Human Resources duties.

14(7). Whistleblower reward (tax-free share of collected penalties).

(a) Any person who provides actionable information leading to the collection of civil penalties under this section shall receive a reward equal to twenty-five percent (25%) of the civil penalties actually collected.

(b) Rewards under this subsection are tax-free.

(c) FSMA shall administer the reward program and maintain confidentiality to the maximum extent practicable.

14(8). Anti-retaliation; treble damages.

An employer who retaliates against a whistleblower by firing, demoting, harassing, or otherwise discriminating shall be liable for treble damages payable to the whistleblower, in addition to any other penalties.

14(9). Self-report safe harbor (first discovery).

An employer who voluntarily self-reports a compliance failure before the government initiates an audit may receive mitigation for Tier 1 errors as defined by regulation, provided the employer corrects the failure promptly.

14(10). Deposit of penalties and reward administration.

Civil penalties collected under this section shall be deposited and administered through FSMA accounts established under this Act, and whistleblower rewards shall be paid through FSMA's whistleblower escrow and disbursement mechanism.

14(11). Mandatory employer ineligibility for repeat violations (hard cap).

An employer that receives: (a) two (2) Tier 2 findings within five (5) years, or (b) one (1) Tier 3 finding, shall be barred from hiring or sponsoring Migrant WP and Harvest Migrants for a period of not less than five (5) years, in addition to any other penalties.

Section 15. Criminal Conduct Standards for Migrants and Guests; Removal Triggers; Premeditation Aggravator; Misdemeanor Discretion.

15(1). Purpose.

This section establishes uniform national removal consequences for serious criminal conduct and repeat low-level criminal conduct committed by non-citizens present under this Act, while allowing administrative discretion for minor offenses.

15(2). One-strike felony removal rule.

Any Migrant TT, Migrant WP, Harvest Migrant, Academic Guest, Protected Migrant, or Visitor who is convicted of a felony offense shall be subject to status termination and removal under this Act.

15(3). Federal theft standard (uniform threshold for immigration consequences).

For immigration consequences under this Act only, theft or fraud involving a value of one thousand dollars (\$1,000) or more (Consumer Price Index-adjusted pursuant to Section 5) shall be treated as a felony-equivalent offense and shall trigger the felony removal rule.

15(4). Misdemeanor conduct (discretionary enforcement; pattern-based removal).

(a) General rule. A misdemeanor conviction does not automatically require removal unless expressly specified in subsection (c). FSMA may impose graduated administrative consequences, including warnings, probationary status flagging, compliance requirements, and civil penalties payable through authorized accounts.

(b) Pattern trigger. Removal may be ordered for misdemeanor conduct only upon a documented pattern of repeated violations demonstrating unwillingness to comply with United States law, as determined under the administrative and magistrate ladder established by this Act and implementing regulations.

(c) Serious misdemeanor exception. Removal is mandatory upon conviction of a misdemeanor involving violence, credible threats, domestic violence, weapon use, driving under the influence causing injury, stalking, sex offenses, or serious endangerment, as defined by regulation consistent with this Act.

(d) No “family hardship” override for felonies. Family hardship, employment importance, or sponsorship considerations may be considered only for misdemeanor discretion and shall not override felony removal requirements.

15(4A). Regulatory and traffic offenses (non-criminalization).

(a) Purely regulatory offenses and routine traffic infractions shall not, by themselves, constitute grounds for removal under this Act.

(b) A pattern of willful noncompliance may be treated as misdemeanor pattern conduct under subsection 15(4)(b).

15(5). Premeditation aggravator (planned conduct).

(a) If FSMA determines by a preponderance of the evidence, based on reliable indicators defined by regulation, that underlying criminal conduct was premeditated, planned, or coordinated, then the conduct may be treated as felony-equivalent for immigration consequences under this Act even if the criminal charge is a misdemeanor under state law, provided the conduct involves violence, arson, riot-related property destruction, burglary, felony-equivalent theft under this Act, or other conduct expressly enumerated by regulation.

(b) Premeditation determinations under this subsection are adjudicated through the administrative and magistrate ladder established by this Act.

15(6). Effect on renewal and naturalization eligibility.

(a) Any felony conviction, felony-equivalent offense under this Act, or misdemeanor removal determination under subsection 15(4) is a disqualifying event for renewal.

(b) Any felony conviction or felony-equivalent offense disqualifies the individual from eligibility for voluntary naturalization under this Act.

15(7). Custody for removal execution after finality; detention-limit compliance; custody review.

(a) Upon a final, enforceable removal determination under this Act, FSMA and designated executing officers may take civil custody for the limited purpose of executing the removal order, consistent with Section 27 Civil Removal Warrant procedures.

(b) Custody under this subsection shall be administered consistent with constitutional limits and applicable Supreme Court precedent governing post-order detention reasonableness and foreseeability of removal.

(c) Nothing in this Act authorizes indefinite detention; where removal is not reasonably foreseeable, FSMA shall apply the least restrictive lawful alternative consistent with ensuring appearance and removal execution, as prescribed by regulation.

(d) Periodic custody review. Any civil custody for removal execution after finality shall be subject to the periodic custody review requirements in Section 36.

Section 16. National Security, Prohibited Criminal Organizations, and Classified Evidence Review.

16(1). Purpose.

This section establishes removal authority for non-citizens who pose a national security or organized-crime threat, including membership or active affiliation with designated gangs, cartels, transnational criminal organizations, or foreign terrorist organizations, with adjudication conducted within the Act's administrative and panel review structure.

16(2). Prohibited Criminal Organization Registry.

- (a) The Under Secretary, acting through FSMA and in coordination with the Department of Justice and the Department of State, shall maintain a Prohibited Criminal Organization Registry.
- (b) The Registry shall include gangs, cartels, transnational criminal organizations, and foreign terrorist organizations that materially threaten public safety, border security, or national security.
- (c) The Registry shall be updated as needed and published in classified and unclassified forms, as appropriate.

16(3). Status-terminating national security violation.

A Migrant TT, Migrant WP, Harvest Migrant, Academic Guest, Protected Migrant, or Visitor is subject to status termination and removal if FSMA determines, under the evidentiary and adjudicatory rules of this section, that the person:

- (a) is an active member of a Prohibited Criminal Organization;
- (b) knowingly provides material support, facilitation, or operational assistance to a Prohibited Criminal Organization; or
- (c) knowingly participates in coordinated criminal activity directed by or for the benefit of a Prohibited Criminal Organization.

16(4). Evidence and standard of proof (preponderance; reliable indicators).

- (a) FSMA shall determine the existence of a status-terminating national security violation under subsection 16(3) by a preponderance of the evidence.
- (b) FSMA may consider reliable indicators including: authenticated communications, financial transfers, verified intelligence reporting, biometric matches to law enforcement databases, verified admissions, coordination with known members, and other evidence defined by regulation.
- (c) Tattoos or symbols alone shall not be sufficient unless corroborated by additional reliable indicators defined by regulation.

16(5). Initiation and notice.

- (a) FSMA may initiate a national security removal action upon receipt of credible information from the Department of Justice, Department of Homeland Security components, or the Department of State.
- (b) Notice shall be served to the individual's registered physical address and registered email address (or, for Academic Guests, also to the school sponsor) using the service-validity rules established by this Act.

16(6). Adjudication ladder (internal; classified evidence handling).

(a) Administrative determination. An FSMA Administrative Compliance Officer shall issue a written determination under this section based on the evidentiary standard in subsection 16(4).

(b) Field Magistrate appeal. The individual may appeal to a Field Magistrate within deadlines established by regulation, and the Field Magistrate shall determine whether the administrative determination is supported by a preponderance of the evidence and proper procedure.

(c) Classified evidence handling. Where classified evidence is relied upon, the reviewing authority may consider such evidence in camera under secure procedures. To the maximum extent consistent with national security, FSMA shall provide the respondent an unclassified summary of the grounds sufficient to permit a meaningful response, unless the Attorney General certifies that no summary can be provided without compromising sources or methods.

(d) Finality. Finality and any narrow external review are governed by Section 17.

16(7). Permanent reentry bar for national security removals (default).

Any individual removed under this section is permanently barred from reentry into the United States.

16(8). Presidential waiver (narrow; written findings; no entitlement).

(a) Authority. The President may grant a waiver of the permanent bar in subsection 16(7) by written Presidential directive.

(b) Required findings. A waiver may be issued only upon written findings that:

(1) the waiver is in the national interest of the United States; and

(2) the individual does not pose an ongoing threat as supported by a joint written recommendation from the Under Secretary and the Attorney General, with consultation from the Secretary of State.

(c) No waiver for leadership or material support. No waiver may be granted to an individual removed under subsection 16(3)(b) (material support) or an individual determined by FSMA to have held a leadership or operational command role in a Prohibited Criminal Organization.

(d) No right created. Payment of fees, passage of time, or submission of an application does not create any entitlement to a waiver; waiver is discretionary.

Section 16A. FSMA Notice of Charges; Commencement of Proceedings; Service; In Absentia; Rescission Limits; Burden Rules.

16A(1). Purpose and scope.

This section establishes the controlling charging document and commencement mechanism for civil immigration-status determinations and removal actions under this Act. It is intended to replace legacy notice-to-appear style mechanics with an Act-native process built around registered contact information, valid service rules, and the adjudication ladder in Section 17, while preventing delay-by-litigation, notice gamesmanship, and settlement-by-delay. This section applies to any civil determination or enforcement action under this Act that may result in denial of status, revocation of status, civil removal, or other status consequences.

16A(2). FSMA Notice of Charges (NOC) required; contents.

(a) Required instrument. Except where a Summary Removal Order is issued and executed under Section 10A, FSMA shall initiate proceedings under this Act by serving a written FSMA Notice of Charges (NOC).

(b) Minimum contents. Each NOC shall include at minimum:

(1) Respondent identity basis. The respondent's name(s) as recorded, date of birth (if known), nationality (if known), and a statement of the identity verification basis, including biometric linkage or other reliable method defined by regulation.

(2) Status category asserted. The respondent's Act-category status (if any) and expiration date (if any), or a statement that the respondent is alleged to be unlawfully present or otherwise out of compliance under this Act.

(3) Charged grounds. A clear statement of each charged ground, expressed by citation to the section and subsection of this Act and a plain-language description of the alleged violation.

(4) Factual summary. A concise factual summary supporting each charged ground, including relevant dates and compliance deadlines where applicable.

(5) Response and appearance instructions. The applicable response deadline and method for submission, and the respondent's obligation to appear or respond as directed under the adjudication ladder.

(6) Consequences of nonresponse or nonappearance. A statement that failure to respond or appear may result in in absentia determination and enforcement, and may result in absconder consequences under this Act.

(7) Service statement. The method(s) of service used, and the registered contact information on file at the time of service.

(8) No status by delay notice. A statement that no processing delay creates lawful status, parole entitlement, Deferred Action entitlement, Covered Discretionary Stay entitlement, work authorization, or any other right to remain.

16A(3). Commencement of proceedings; filing marker.

(a) Commencement by valid service. Proceedings under this Act commence upon valid service of a Notice of Charges pursuant to subsection 16A(4).

(b) FSMA docket marker. FSMA shall record commencement in an audit-logged docket system and assign a unique case identifier.

(c) Consolidation authority. FSMA may consolidate related determinations into a single case identifier when the respondent's identity and underlying facts materially overlap, as prescribed by regulation.

16A(4). Service validity and methods; registered contact duty; no-notice defense barred.

(a) Dual-channel service for non-Visitors. For any person other than a Visitor, FSMA shall serve the NOC by delivery to the most recent registered physical address and to the most recent registered email address on file with FSMA. FSMA may also effect personal service during any lawful encounter or custody processing.

(b) Visitors—email service validity. For Visitors governed by Section 28, service rules in Section 28 control, including email-only service validity.

(c) Valid service. Service to the most recent registered physical address and registered email address on file constitutes valid service.

(d) Duty to maintain and update. Any person subject to registered contact requirements under

this Act must maintain current registered contact information and update changes within the required period.

(e) No-notice defense barred. Failure to maintain or update registered contact information as required by this Act bars any claim that notice was not received, except where the respondent proves by clear and convincing evidence that:

(1) FSMA committed an objective system error eligible for error correction under Section 17(10); and

(2) the respondent timely complied with the Act's contact update duty and the error was not caused by respondent action or inaction.

16A(5). Response period; required response contents; proof limits.

(a) Response deadline. Unless a more specific section provides otherwise, the respondent shall have twenty-one (21) days from valid service of the NOC to submit a written response and supporting materials.

(b) One extension. FSMA may grant one (1) extension of up to seven (7) days upon a showing of good cause.

(c) Permitted response content. A response under this section is limited to:

(1) denial of identity (identity mismatch) with supporting evidence;

(2) proof of lawful status or lawful compliance under this Act;

(3) proof of timely filing or timely compliance action;

(4) proof of a qualifying exception expressly stated in this Act;

(5) an operational error claim eligible for error correction under Section 17(10); or

(6) in cases where NRPD is asserted as a defense to removal, a request and evidence consistent with Section 18 and any expedited border processing rules under Section 10A.

(d) No equitable relief. Responses may not request equitable relief, general discretion, or policy-based waivers unless expressly authorized by an Act of Congress.

16A (6). In absentia determination; default finality; absconder consequences.

(a) In absentia trigger. If the respondent fails to timely respond to the NOC, fails to appear when lawfully ordered to appear after valid service, or otherwise fails to comply with an appearance or submission requirement under Section 17 deadlines, FSMA may issue an in-absentia determination.

(b) Required findings. An in-absentia determination shall include findings that:

(1) valid service occurred under subsection 16A (4); and

(2) the respondent failed to respond or appear as required.

(c) Finality. An in-absentia determination is final and enforceable under this Act subject only to the limited correction lane in subsection 16A (7) and the error-correction petition lane in Section 17(10).

(d) Absconder status. A respondent subject to a final in absentia removal determination who fails to depart within the required period is an absconder and is eligible for civil removal warrant custody under Section 27 and custody review under Sections 15(7) and 36.

16A (7). Rescission and reopening limits (narrow).

(a) Exclusive grounds. Rescission or reopening of an in absentia determination may be granted only on one or more of the following grounds:

(1) mistaken identity, including biometric mismatch;

(2) FSMA system error affecting service validity eligible under Section 17(10); or
(3) proof that the respondent timely complied with the contact-update duty and FSMA served the wrong address or email due to FSMA error.

(b) Deadline. A rescission request must be filed within thirty (30) days after the respondent receives actual notice of the in-absentia determination or within thirty (30) days after the respondent proves the in-absentia determination should reasonably have been discovered, whichever is earlier.

(c) No reopening for hardship. Family hardship, equities, or generalized fairness arguments are not grounds for rescission or reopening under this section.

16A (8). Burden of proof and burden of production (operational clarity).

(a) Identity. FSMA bears the burden to establish respondent identity by a preponderance of the evidence using biometric linkage or other reliable methods defined by regulation.

(b) Charged grounds. FSMA bears the burden to establish charged violations by a preponderance of the evidence within the administrative record.

(c) Affirmative defenses. The respondent bears the burden of proof for any affirmative defense, including NRPD, by the standard specified in the applicable section.

(d) Record rule. Determinations shall be based on the administrative record; no new evidence may be introduced after Tier 2 unless it satisfies the new, material, reliable standard in Section 17(3A) (b) or qualifies as an error-correction ground.

16A (9). Amendment of charges; consolidation; anti-gamesmanship.

(a) Amendment authority. FSMA may amend charges prior to finality by serving an amended NOC stating the amended grounds and a brief factual basis.

(b) Response window. FSMA shall provide a response window for amended charges by regulation, which shall be short and sufficient for basic fairness while preventing gamesmanship.

(c) No repetitive filings. Repackaged arguments previously considered do not trigger escalation and do not stay enforcement, consistent with Section 17.

16A (10). Rule of construction; relationship to other sections.

(a) Relationship to Section 17. This section governs the charging instrument and commencement mechanics; adjudication, stays, escalation, and finality are governed by Section 17 unless a more specific section expressly provides otherwise.

(b) Relationship to Section 10A. Summary Removal Orders issued and executed under Section 10A may proceed without an NOC; where Section 10A requires adjudication of NRPD, the NOC is not required for the NRPD-only defense process.

(c) No entitlement. Nothing in this section creates any right to admission, parole, Deferred Action, Covered Discretionary Stay, work authorization, or continued presence.

Section 17. Adjudication Ladder; High Council of Interpretation; Judge Accountability; Narrow Article III Review Lane; Custody-Only Habeas Carveout.

17(1). Purpose.

This section establishes a fast, uniform administrative adjudication system for immigration status decisions; removes delay-by-litigation incentives; ensures consistent interpretation through a centralized interpretation mechanism; and provides a narrow, time-limited Article III review lane for constitutional and ultra vires claims while preventing docket-clogging, together with a custody-only habeas carveout to satisfy constitutional minimums without creating a merits relitigating pathway.

17(2). Four-tier adjudication ladder (administrative first; escalation by trigger).

Status determinations and removal actions under this Act shall begin at Tier 1 and may escalate to higher tiers only when a trigger defined in this section is satisfied.

(a) Tier 1—Administrative Compliance Officer (Administrator). An FSMA Administrative Compliance Officer issues the initial administrative determination, including notices of proposed removal, status violations, solvency violations, and other determinations authorized by this Act.

(b) Tier 2—Field Magistrate (Article I administrative judicial officer). A Field Magistrate reviews timely appeals of fact and procedure from Tier 1 determinations, applying standards and timelines established by this Act.

(c) Tier 3—Three-Judge Review Panel (triggered review). A Three-Judge Review Panel is convened only as provided in subsection 17(3A).

(d) Tier 4—Five-Judge Regional Circuit (triggered review). A Five-Judge Regional Circuit is convened only as provided in subsection 17(3B). A Tier 4 decision is final under this Act subject only to subsection 17(6) (narrow Article III review) and subsection 17(6A) (custody-only habeas carveout).

17(3). Tier 2 finality (default).

A Field Magistrate decision is final and enforceable under this Act unless an escalation trigger in subsection 17(3A) is satisfied.

17(3A). Tier 3 escalation triggers (Three-Judge Review Panel).

A case escalates from Tier 2 to Tier 3 only if one or more of the following occurs:

(a) Magistrate reversal of Administrator. The Field Magistrate reverses the Administrator's determination; Tier 3 review is mandatory to confirm the reversal was lawful and supported.

(b) New and compelling evidence. The respondent submits evidence that is new, material, and reliable; if the Field Magistrate finds the standard met, the case escalates.

(c) Identified legal error. The respondent identifies a specific claimed error of statutory interpretation or procedure that, if correct, would change the result.

(d) Split findings at Tier 2 (limited). If the Field Magistrate's ruling acknowledges a close question of law or conflicts with a binding rendering, escalation is permitted.

17(3B). Tier 4 escalation triggers (Five-Judge Regional Circuit).

A case escalates from Tier 3 to Tier 4 only if one or more of the following occurs:

(a) Non-unanimous Tier 3 outcome. The Three-Judge Review Panel issues a non-unanimous decision.

(b) Conflicting interpretations. The Tier 3 panel finds a conflict requiring Tier 4 uniformity.

(c) Certified national-security classified-evidence procedure issue. The Tier 3 panel finds that a

case relying on classified evidence under Section 16 requires Tier 4 uniformity regarding secure procedures.

17(3C). Respondent submissions; no endless stalling.

- (a) The respondent may submit arguments and evidence at each tier.
- (b) Evidence submitted after Tier 2 must satisfy subsection 17(3A)(b) to trigger escalation.
- (c) Repackaging the same evidence or arguments previously considered does not trigger escalation and shall not stay removal.

17(4). High Council of Immigration Interpretation (binding renderings).

- (a) Establishment. There is established a High Council of Immigration Interpretation consisting of:
 - (1) the Under Secretary;
 - (2) the presiding chief judge designated for the Three-Judge Review Panel system; and
 - (3) the presiding chief judge designated for the Five-Judge Regional Circuit system.
- (b) Binding renderings. The High Council may issue written binding renderings to resolve ambiguity in definitions, procedures, and standards under this Act and to update the adjudication manual.
- (c) Effect. Binding renderings are controlling on all Administrative Compliance Officers, Field Magistrates, and panels.

17(4A). Panel formation; randomized rotation; anti-collusion safeguards.

- (a) The Under Secretary shall administer the panel system, including rosters, scheduling, secure communications, and operational support.
- (b) Membership on Tier 3 and Tier 4 panels shall be assigned through a randomized rotation system administered by FSMA using an auditable algorithm.
- (c) Panels shall, to the maximum extent practicable, include members from different geographic locations and administrative regions.
- (d) Disqualification and replacement shall occur for conflict of interest, prior involvement, or personal connection.
- (e) FSMA shall maintain tamper-evident audit logs of panel assignment outputs and replacements, retained at least ten (10) years.
- (f) Any attempt to manipulate panel assignments constitutes official malfeasance and is grounds for removal and criminal referral as provided by regulation.

17(5). Deadlines; trigger-based escalation; default finality; automatic action.

- (a) FSMA shall promulgate deadlines for each tier.
- (b) A case may proceed to a higher tier only if escalation triggers are satisfied and timely invoked.
- (c) If a respondent fails to timely appeal or fails to satisfy an escalation trigger, the last valid determination becomes final and enforceable.
- (d) Once final, removal or status consequence shall proceed without further administrative delay.
- (e) Missed deadlines by adjudicators may be addressed by reassignment; such rules may not be used to delay enforcement indefinitely.

17(6). Narrow Article III review lane (limited issues; hard deadline; record-only).

(a) Exclusive vehicle. A petition for review under this subsection is the exclusive form of Article III review for merits determinations under this Act.

(b) Venue. Petitions shall be filed only in the United States Court of Appeals for the District of Columbia Circuit.

(c) Filing deadline. A petition must be filed within thirty (30) days after a determination becomes final under this Act.

(d) Exhaustion. Review is available only after exhaustion of Tier 2 and any triggered Tier 3/Tier 4 review actually available.

(e) Permitted grounds (narrow). The court may consider only:

(1) whether FSMA acted outside the authority granted by this Act;

(2) whether the challenged provision or application violates the Constitution;

(3) whether the petitioner is a United States citizen (citizenship claim only);

(4) whether removal violates an NRPD under Section 18; and

(5) whether the petitioner was denied notice due to an objective system error eligible under subsection 17(10).

(f) Standard of review. The court shall uphold the agency's factual determinations if supported by substantial evidence in the record; no new evidence may be introduced except proof of citizenship or objective system error.

(g) No automatic stay. Filing does not stay removal; stays are limited and must meet a written standard.

(h) Record-only. Review is confined to the administrative record, except as permitted in subsection (f).

17(6A). Detention-duration habeas carveout (custody-only; no merits relitigation).

(a) Nothing in this Act shall be construed to preclude a petition for a writ of habeas corpus limited solely to the legality or duration of civil custody under this Act.

(b) A petition under this subsection may not be used to relitigate removability, eligibility for admission, discretionary relief, or any merits issue outside custody legality or duration.

(c) Venue shall be the United States District Court for the District of Columbia.

(d) The sole remedy available is custody-related relief; no grant of lawful status, parole, Deferred Action, Covered Discretionary Stay, work authorization, or admission may be ordered.

17(7). Judge accountability; three-strike discipline; pension vesting.

(a) Strike 1—Formal warning and retraining.

(b) Strike 2—Probation and co-sign for six (6) months.

(c) Strike 3—Removal from the position.

(d) Pension vests after five (5) years; removal preserves vested benefits but ends future accrual and bars future service in this system.

17(8). No automatic stay; limited stay authority.

(a) No filing under this Act automatically stays enforcement.

(b) A stay may be granted only by written order issued by a Field Magistrate or the applicable panel, and only upon a written finding of likelihood of success on a qualifying error or procedural defect and irreparable harm, limited in duration.

17(9). Anti-clogging rules; repetitive filings; late evidence.

- (a) Repetitive filings do not trigger escalation and do not stay removal.
- (b) Late evidence after Tier 2 must satisfy the “new, material, reliable” gate.
- (c) Missed deadlines result in finality.

17(10). Error-correction petition (identity and record mismatch only).

- (a) Eligible grounds are limited to identity mismatch, duplicate/mis-linked records, clerical/posting errors affecting objective indicators, or proof of timely compliance not reflected due to operational error.
- (b) Filing deadline is thirty (30) days after the first adverse determination relying on the alleged error, unless the error could not reasonably have been discovered earlier.
- (c) Decision deadline is thirty (30) days after receipt of a complete petition.
- (d) A timely petition provides only a limited safe harbor against removal solely on the basis of the disputed error, absent another final removal basis.
- (e) No equitable relief; no merits relitigating.

17(11). Rule of construction; relationship to other sections.

This section governs finality, stays, error-correction, and escalation mechanics for all determinations under this Act unless a more specific section provides a different rule.

Section 17A. Pre-Finality Custody; Arrest Authority; Detention and Release Standards; Bond and Supervision; Custody Review; No Mass Release.

17A (1). Purpose and scope.

This section establishes the controlling framework for civil custody, detention, and conditional release of non-citizens pending adjudication and finality under Section 17, preventing mass release policies and preserving constitutional limits.

17A (2). Authority to arrest and take into civil custody (pre-finality).

- (a) FSMA may designate and coordinate federal officers authorized to conduct immigration enforcement functions under this Act, including ICE and CBP officers acting under FSMA operational coordination, to take persons into civil custody.
- (b) A designated officer may arrest and take into civil custody a non-citizen where the officer has probable cause to believe the person is unlawfully present or otherwise out of compliance under this Act, subject to constitutional limits.
- (c) Arrest and custody may be executed pursuant to a judicial warrant, a Civil Removal Warrant under Section 27, or warrantless arrest authority preserved and implemented under this Act, subject to constitutional limits and regulation.
- (d) A person taken into civil custody shall, without unnecessary delay, be processed for identity verification, status verification, and initiation of the applicable enforcement pathway, including service of required notices.

17A (3). Default custody rule; individualized release gate.

(a) FSMA may maintain a non-citizen in civil custody pending adjudication where necessary to ensure appearance, execution of removal, public safety, prevention of fraud/identity evasion, or integrity of enforcement.

(b) Release is not presumed and is discretionary.

(c) Conditional release may occur only upon a written, audit-logged determination that identity is verified, mandatory detention does not apply, danger and abscond risk are not present, and supervision conditions are established.

17A (4). Mandatory detention categories (pre-finality).

FSMA shall maintain a person in civil custody pending adjudication if FSMA determines by a preponderance of the evidence, based on minimum necessary indicators, that the person falls within an Act-defined mandatory detention category, including national security flags, serious criminal conduct, identity fraud, prior removal/unlawful reentry, or absconder status.

17A (5). Discretionary detention factors.

FSMA shall apply written, auditable detention factors prescribed by regulation for non-mandatory cases.

17A (6). Conditional release alternatives; bond and supervision; no work authorization.

(a) FSMA may impose reporting, check-ins, contact maintenance, geographic limits, travel-document cooperation, monitoring where lawful, and other supervision terms by regulation.

(b) FSMA may require a separate civil appearance bond as a condition of release with forfeiture rules and audit logging.

(c) Conditional release does not authorize employment and does not create lawful status.

(d) Conditional release may not be implemented through parole, Deferred Action, or Covered Discretionary Stay labels as substitutes.

17A(7). Custody review cadence (pre-finality).

(a) FSMA shall conduct custody review at least once every thirty (30) days for any person held in civil custody pending adjudication.

(b) Reviews must be written and audit-logged and assess identity, flight risk, danger, timeline to next step, and whether less restrictive alternatives suffice.

(c) No release by delay; operational delays do not create entitlement to release.

17A (8). Interaction with post-finality custody and border custody.

This section governs custody prior to final enforceable removal determinations; post-finality custody is governed by Section 15(7) and Section 36; border custody remains governed by Section 10A while in border processing.

17A (9). Rule of construction; constitutional limits; no indefinite detention.

Nothing in this section authorizes detention beyond constitutional limits or creates entitlement to admission, status, work authorization, or continued presence.

Section 18. Humanitarian Custodianship and Non-Removal Protection; Protected Migrant; NRPD; No Mass Entry; No Workarounds.

18(1). Purpose and structure.

This section establishes a strictly limited humanitarian framework that (a) provides a narrow temporary custodianship classification (“Protected Migrant”) only where expressly authorized and capped, and (b) provides a Non-Removal Protection Determination (NRPD) limited to deferral of removal to a specific country where torture is more likely than not. This section is not an immigration pathway, not a resettlement program, and not a mass entry mechanism.

18(2). Protected Migrant classification (custodianship, not immigration).

- (a) Individuals granted custodianship under this section shall be classified as Protected Migrants.
- (b) Protected Migrant status is not immigrant status and does not count toward the Migrant TT 10+10 track for voluntary naturalization.

18(3). No path to citizenship; no automatic adjustment.

- (a) Protected Migrants are permanently ineligible to become United States citizens by virtue of Protected Migrant status.
- (b) Time spent in Protected Migrant status shall not be credited toward eligibility for voluntary naturalization.
- (c) Protected Migrant status shall not be converted into Tenured Migrant TT status by passage of time.

18(4). Hard annual cap; default cap is zero unless affirmatively set by Congress.

- (a) Default cap. The annual numerical limit for new Protected Migrant grants is zero (0) unless Congress enacts, for that fiscal year, a positive numerical limit by Act of Congress.
- (b) No executive increase. No officer, including the President, may increase the annual limit by proclamation, executive order, regulation, guidance, settlement, parole program, Deferred Action program, Covered Discretionary Stay program, or other program label.
- (c) Carryover prohibited. Unused numbers may not carry over.

18(5). Application location rule (offshore default; in-country custodianship barred).

- (a) Offshore requirement. Protected Migrant applications must be filed and adjudicated outside the United States at locations designated by the Secretary of State.
- (b) No in-country Protected Migrant grants. A person physically present in the United States may not be granted Protected Migrant status from within the United States.

18(6). Entry screening (identity, security, compatibility; passport required).

- (a) A Protected Migrant applicant must satisfy identity verification and security screening requirements under this Act, including possession of a valid passport except where Section 10 narrow exceptions apply.
- (b) Applicants from jurisdictions designated for enhanced scrutiny under Section 19 shall undergo enhanced vetting.

(c) A Protected Migrant must sign the Values Contract under Section 19 and agree in writing to comply with all conditions of stay.

18(7). Self-sufficiency; no taxpayer burden; restricted work authorization.

(a) A Protected Migrant must remain financially self-sufficient through verified private sponsorship and/or verified lawful work only if expressly authorized by regulation consistent with this subsection.

(b) No means-tested welfare. Protected Migrants are ineligible for means-tested federal welfare benefits.

(c) No automatic work authorization. A Protected Migrant receives no work authorization by default; any work authorization must be individually granted only after full identity and security clearance and only if the person demonstrates continuous solvency compliance under Section 12.

(d) Catastrophic coverage required. A Protected Migrant must maintain catastrophic health coverage meeting Section 12 standards.

18(8). Registered contact information; notice.

(a) Each Protected Migrant shall maintain a registered physical address and registered email address with FSMA and shall report any change within five (5) business days.

(b) Service to the last registered physical address and registered email address constitutes valid service for all notices under this section.

18(9). Annual country conditions review and termination by operation of law.

(a) The Secretary of State shall conduct an annual country conditions review for each country represented in the Protected Migrant population.

(b) If the Secretary of State certifies that conditions in the Protected Migrant's country of nationality have stabilized such that the basis for custodianship no longer exists, Protected Migrant status terminates by operation of law.

18(10). Mandatory departure after termination.

Upon termination under subsection 18(9), the Protected Migrant shall depart the United States within ninety (90) days. Failure to depart within the period results in removal under this Act.

18(11). Conversion to Migrant TT or Migrant WP (no preference; no time credit).

A Protected Migrant may apply to convert to Migrant TT status or Migrant WP status only through the same admissions, solvency, and labor-market requirements as any other applicant under this Act and receives no preferential treatment and no time credit for time spent in Protected Migrant status.

18(12). Non-Removal Protection Determination (NRPD) (torture bar; deferral only; no admission).

(a) Rule. No person shall be removed to a country where it is more likely than not that the person would be subjected to torture.

(b) NRPD nature. An NRPD is not an admission, not a status, and confers no right to remain except deferral of removal to the specific country identified in the NRPD.

(c) Remedy limited. The sole remedy is temporary deferral of removal to the specific country; FSMA shall pursue removal to any lawful third country when feasible.

- (d) No work by default. An NRPD does not authorize work. No agency may authorize employment incident to NRPD by regulation, guidance, settlement, or program label. Work authorization may exist only if Congress expressly provides by statute.
- (e) No derivative or family extension. NRPD is individual-specific; it does not create derivative protections for family members.

18(13). NRPD procedures, burdens, deadlines, and re-determination.

- (a) Filing. NRPD may be requested only as a defense in a removal proceeding under this Act after initiation of removal and identity verification.
- (b) Burden of proof. The respondent bears the burden to prove the NRPD standard by a preponderance of the evidence using credible, verifiable evidence.
- (c) Evidence deadlines. FSMA shall set short filing and evidentiary deadlines by regulation; absent good cause, late evidence shall be excluded.
- (d) Adjudication and review. NRPD is adjudicated exclusively within the Section 17 ladder.
- (e) Annual re-determination. NRPD must be re-determined at least annually. If the torture likelihood standard is not met on re-determination, the NRPD terminates and removal proceeds.
- (f) Compliance condition. Any respondent granted NRPD must comply with registered contact and reporting rules as prescribed by regulation; material noncompliance is grounds for custody for removal execution once finality is reached.

18(14). Supersession of prior humanitarian pathways; no mass parole substitution; no Deferred Action substitution; no Covered Discretionary Stay substitution.

- (a) Exclusive operation. For determinations made on and after the operative date in Section 24, the sole humanitarian mechanisms available as a matter of federal immigration administration are: (1) Protected Migrant status granted under this section subject to subsection 18(4); and (2) NRPD under subsections 18(12)–18(13).
- (b) No parole substitution. Parole may not be used to create, functionally replicate, extend, or substitute for Protected Migrant custodianship or NRPD, and no mass parole program related to humanitarian migration is permitted.
- (c) No Deferred Action or Covered Discretionary Stay substitution. Deferred Action and Covered Discretionary Stay may not be used to create, functionally replicate, extend, or substitute for Protected Migrant custodianship or NRPD.
- (d) Conforming regulations. The Attorney General and Secretary of Homeland Security shall conform regulations to implement this section and eliminate inconsistent prior procedures by the deadlines in Section 24.

18(15). Strict fraud penalties and permanent bar.

Any material fraud or misrepresentation in any request under this section is a permanent bar from any status under this Act and triggers removal.

18(16). NRPD statutory implementation statement.

Congress intends NRPD under this section to constitute the exclusive domestic implementation of any mandatory non-removal obligation to prevent removal to torture, as preserved by this Act, and intends no other humanitarian non-removal mechanism to remain operative after the operative date except as expressly preserved in this Act.

Section 19. Cultural Compatibility Index; Enhanced Scrutiny; Values Contract.

19(1). Purpose.

This section establishes a structured method to identify elevated integration-risk indicators, apply enhanced screening where appropriate, and require written acknowledgment of core conduct standards as a condition of entry and continued status.

19(2). Cultural Compatibility Index.

- (a) The Secretary of State shall publish an annual Cultural Compatibility Index identifying countries or regions where verified risk indicators show materially elevated likelihood of noncompliance with core rule-of-law norms while present in the United States.
- (b) The Index shall be data-driven and may consider factors including: systemic repression of women or minorities; endemic political violence; hostility to constitutional democracy; prevalence of forced marriage or honor violence; and verified rates of identity-document unreliability.
- (c) The Index shall be published in a form suitable for operational use by FSMA.

19(3). Enhanced scrutiny trigger.

Applicants for Migrant TT, Migrant WP, Harvest Migrant, Academic Guest, Visitor—Business and Official, or Protected Migrant status who originate from a country or region designated for enhanced scrutiny in the Cultural Compatibility Index shall be subject to enhanced screening under this section.

19(4). Enhanced screening measures.

Enhanced screening shall include, as applicable:

- (a) mandatory in-person interview;
- (b) expanded identity verification and foreign criminal history checks;
- (c) review of publicly available records relevant to security risk; and
- (d) additional questioning on adherence to rule-of-law norms and rejection of prohibited conduct.

19(5). Values Contract (universal).

(a) As a condition of issuance of status and continued stay, every Migrant TT, Migrant WP, Harvest Migrant, Academic Guest, and Protected Migrant shall sign a Values Contract acknowledging that:

- (1) United States law governs while present in the United States;
- (2) specified prohibited conduct is grounds for immediate status revocation and removal; and
- (3) Protected Migrant custodianship is temporary and does not create a pathway to citizenship.
- (b) Prohibited conduct in the Values Contract shall include at minimum: forced marriage, honor violence, female genital mutilation, religious violence, coercive intimidation, unlawful vigilantism, and any other conduct designated by regulation consistent with this Act.
- (c) FSMA shall maintain the signed Values Contract in the individual's official record and may require reaffirmation at renewal or check-in; refusal to reaffirm constitutes a status violation.

19(6). Enforcement.

A breach of the Values Contract by committing prohibited conduct is a status-terminating violation subject to removal under the adjudication ladder of this Act.

Section 20. Transition; Existing Lawful Permanent Residents; Social Security Credit Preservation; Queue Reset Mechanics; Refugee Default Suspension.

20(1). Purpose.

This section governs transition from prior law to this Act, including treatment of existing lawful permanent residents, preservation of earned Social Security credits, and queue reset mechanics.

20(2). Conversion of existing lawful permanent residents into the 10+10 framework (time-served placement).

- (a) Any person holding lawful permanent resident status at the time of enactment shall be reclassified into this Act's long-term status framework according to years of lawful residence already completed.
- (b) If the person has fewer than ten (10) years of lawful residence, the person shall be placed into Probationary Migrant TT status at the corresponding year number.
- (c) If the person has ten (10) years or more of lawful residence, the person shall be placed into Tenured Migrant TT status at the corresponding year number.

20(3). Vested benefits guarantee (forty quarters).

Notwithstanding any other provision of this Act, an existing lawful permanent resident who has accrued forty (40) quarters of coverage under the Social Security Act prior to enactment shall retain eligibility for Social Security retirement benefits and Medicare benefits consistent with the rules applicable to lawful permanent residents at the time the quarters were earned.

20(4). Gap clause (partial quarters preserved; no forfeiture).

- (a) An existing lawful permanent resident who has accrued fewer than forty (40) quarters of coverage prior to enactment shall retain all accrued quarters.
- (b) Quarters accrued after enactment while lawfully working shall be added to pre-enactment quarters.
- (c) Once the individual reaches forty (40) total quarters, the individual shall become eligible for Social Security retirement benefits and Medicare benefits consistent with the rules applicable to lawful permanent residents at the time the quarters were earned.

20(5). Disability benefits for legacy lawful permanent residents (preservation).

- (a) Existing lawful permanent residents converting under this section retain eligibility for Social Security Disability Insurance under the rules applicable to lawful permanent residents at the time disability coverage was earned.
- (b) The disability exclusions applicable to new Migrant TT and Migrant WP under this Act shall not retroactively apply to this legacy cohort.

(c) Claims and adjudication for such disability benefits remain within the Social Security Administration's normal disability adjudication system, and FSMA shall receive only minimum necessary indicators regarding eligibility status for renewal compliance.

20(6). Mandatory conversion audit (“clean hands”) and due process.

(a) Conversion under this section is conditioned on a retroactive criminal background review and fraud review conducted by FSMA using minimum necessary indicators.

(b) Grounds for denial of conversion include felony conviction, material fraud, or material misrepresentation that would be disqualifying under this Act.

(c) If FSMA proposes to deny conversion and initiate removal proceedings, it shall serve notice to registered contacts and provide an opportunity to respond consistent with this Act's adjudication ladder; the respondent may contest identity, records accuracy, and applicability of disqualifying events under Tier 1 and Tier 2 procedures.

20(7). Queue reset mechanics; carve-out for spouses and minor children (citizen-only).

(a) General rule—termination of obsolete queues. Except as provided in subsection (b), any pending immigrant visa petition, adjustment application, or immigrant category waiting list entry that is based solely on a family-preference relationship other than a spouse or minor child is terminated and rendered ineligible for adjudication under prior law as of the effective date of this section.

(b) Carve-out—spouses and minor children preserved. The following pending matters shall not be terminated by subsection (a) and may continue to be adjudicated only if they comply with this Act:

(1) petitions for a spouse of a United States citizen; and

(2) petitions for an unmarried minor child (under eighteen (18) years of age) of a United States citizen.

(c) Conforming compliance requirement. Any petition preserved under subsection (b) shall be subject to identity verification, passport maintenance, Values Contract execution, and solvency requirements applicable under this Act prior to admission or adjustment.

(d) Notice. FSMA shall provide notice of termination under subsection (a) to the petitioner's last known mailing address and registered email address (if any), and shall publish a public termination notice describing the categories terminated and preserved.

(e) No grandfathering beyond carve-out. No person whose petition is terminated under subsection (a) shall claim priority, time credit, or vested right to adjudication under the terminated queue.

20(8). Refugee admissions default suspension.

(a) Default. The annual refugee admissions number under prior law is set at zero (0) unless Congress enacts a positive number by Act of Congress for that fiscal year.

(b) No executive substitution. No parole program, Deferred Action program, Covered Discretionary Stay program, or other discretionary label may be used to functionally replace refugee admissions.

Section 21. Birthright Citizenship Integrity; Federal Documentation Integrity; DNA Paternity Pathway; Constitutional Question Preservation.

21(1). Purpose.

This section establishes federal documentation integrity safeguards for citizenship claims by birth, provides a DNA-based paternity pathway where a United States citizen parent is alleged, and states Congress's interpretation of "subject to the jurisdiction" while preserving an expedited judicial resolution path for any constitutional dispute.

21(1A). Congressional findings and intent.

Congress finds that:

- (a) the phrase "subject to the jurisdiction" has operative meaning;
- (b) citizenship is a high-trust status that carries voting power and sovereign responsibilities; and
- (c) Congress has authority to set uniform rules for issuance of federal citizenship documentation, to prevent fraud and protect election integrity.

21(2). Rule for federal citizenship documentation issuance.

(a) No automatic federal document issuance without proof. No federal agency may issue a United States passport, Social Security number as a citizen, or other federal citizenship credential for a child born in the United States unless the applicant provides documentation sufficient to establish citizenship under federal law and the Constitution, as determined by regulation consistent with this section.

(b) Mandatory parent-identity verification. The Federal Sovereignty and Migrant Authority (FSMA) and the Department of State shall require verified identity of at least one parent and documentation of the parent's status at the time of birth, except where impossible and substituted by DNA as provided herein.

21(3). Congress's interpretation; statutory position.

It is the position of Congress that "subject to the jurisdiction" excludes persons present solely as Visitors, persons present unlawfully, and persons present under temporary custodial protection; this subsection is intended to guide federal documentation policy and to present a justiciable controversy for prompt judicial resolution where challenged.

21(4). DNA paternity pathway (United States citizen father).

- (a) Where a child is born in the United States and citizenship is claimed through a United States citizen father, paternity must be established by a federally accredited DNA test demonstrating at least 99.9% probability, with supervised sample collection.
- (b) The cost of DNA testing shall be borne by the applicants.
- (c) Any fraud in DNA submissions is a permanent bar from any benefit under this Act and triggers criminal referral.

21(5). Expedited judicial resolution channel.

(a) Exclusive venue. Any constitutional challenge to this section's documentation standards or Congress's interpretation in subsection 21(3) shall be filed only in the United States District Court for the District of Columbia.

(b) Expedited schedule. The court shall expedite proceedings; any appeal lies directly to the Supreme Court.

21(6). Severability (Section 21).

If any provision of this section, or the application of any provision of this section to any person or circumstance, is held invalid, the remainder of this section and the remainder of this Act shall not be affected.

Section 22. Merit-Based Admission for Migrant TT Status; Published Points System; Screening Requirements; Annual Allocation Controls.

22(1). Purpose.

This section establishes the front-door admissions framework for Migrant TT status based on verified usefulness to the United States, solvency readiness, enforceable screening, and transparent publication of the ranking system.

22(2). Admission is discretionary; governed solely by this Act; no entitlement.

(a) Issuance of a Migrant TT Card and admission as a Migrant TT are discretionary decisions of the United States. No application, fee payment, sponsorship, qualification, or ranking score creates a right to admission.

(b) All admission decisions shall be based on the standards and procedures of this Act and implementing regulations issued pursuant to this Act.

(c) No officer, employee, or agency may waive, materially alter, or create an alternative admissions pathway inconsistent with this Act except by statute enacted by Congress.

22(3). Eligibility prerequisites (threshold screen; no screening, no entry).

An applicant may be considered for Migrant TT admission only if the applicant—

(a) satisfies identity verification, including passport requirements under Section 10;

(b) completes a security screening meeting standards prescribed by the Department of State; if a screening meeting Department of State standards cannot be completed to the satisfaction of the Department of State, the application shall be denied;

(c) is not subject to a Prohibited Criminal Organization determination under Section 16;

(d) completes a health screening meeting standards prescribed by FSMA;

(e) signs the Values Contract required by Section 19; and

(f) demonstrates ability to comply with financial sovereignty requirements of Section 12, including pre-enrollment account setup and verified coverage before travel as defined by regulation.

22(4). Published points system; public rank calculator; fairness notice.

(a) FSMA shall establish a points-based ranking system consistent with this Act and shall publish it for public use.

(b) The published system shall include a public rank score calculator and an explanation of how points are awarded and how admissions are allocated, such that an applicant can estimate competitiveness before incurring costs.

(c) FSMA shall publish annually:

(1) points thresholds (or ranges) associated with actual admissions in the prior year; and

(2) projected points thresholds (or ranges) for the coming year, to the maximum extent practicable.

22(5). Ranking factors (primary to secondary).

Eligible applicants shall be ranked using the published points system, in the following order of priority:

(a) Character and constitutional compatibility (Primary). Points awarded for demonstrated alignment with rule-of-law norms and rejection of prohibited conduct listed in the Values Contract.

(b) Work history and trained skill (Secondary). Points awarded for verified training, licensure, and demonstrated work history in occupations where the United States has verified shortages, based on standards defined by regulation.

(c) Solvency readiness (Tertiary). Points awarded for demonstrated ability to satisfy initial solvency obligations required by this Act.

(d) Sponsorship (Quaternary). Points awarded for verified United States employer sponsorship meeting labor-market verification rules of this Act.

22(6). Age and health fiscal sustainability requirements.

(a) FSMA shall award points favoring applicants within productive working ages as defined by regulation.

(b) Applicants above an upper age threshold defined by regulation may be admitted only if they demonstrate heightened fiscal sustainability including verified liquid assets, verified ongoing income, and proof of private catastrophic health coverage without reliance on means-tested public assistance.

(c) The purpose of this subsection is to avoid creating a cohort of elderly migrants who cannot sustain themselves.

22(7). Annual intake allocation.

(a) FSMA shall publish annually the maximum number of new Migrant TT admissions available in the coming fiscal year, subject to Section 34 gates and caps.

(b) The published maximum may be zero (0) and shall be zero (0) unless the Under Secretary affirmatively determines, in writing, that admissions are necessary to the interests of the United States and consistent with enforcement capacity.

22(8). No pre-entry English test requirement.

No applicant shall be required to pass an English proficiency exam as a condition of initial Migrant TT admission. English proficiency requirements apply only to voluntary naturalization under Sections 7 and 8.

Section 23. Federal Integration and Civic Information Service; Neutral Content Standards; Multimedia Distribution; Federal Signage; Continuous Updates and Archive.

23(1). Purpose.

This section requires FSMA to provide a publicly accessible civic information service to teach lawful compliance and basic governmental structure, using neutral, fact-based content delivered in multiple formats and updated continuously.

23(2). Civic Information Service.

(a) FSMA shall create, maintain, and publish a civic information service that includes, at minimum:

- (1) written materials;
- (2) short-form and long-form instructional videos; and
- (3) example-based compliance modules illustrating lawful versus unlawful conduct, including real-world scenarios, without inflammatory language.

(b) Content shall be designed to be understandable and shall include plain-language explanations and examples.

23(3). Neutrality and factual standards.

(a) All content produced under this section shall be politically neutral, nonpartisan, and fact-based.

(b) Content shall not advocate for or against partisan political candidates, parties, or electoral outcomes.

(c) FSMA shall publish editorial standards and sourcing standards to ensure neutrality and factual accuracy.

23(4). Continuous update requirement; revision control; public archive.

(a) FSMA shall update content as laws, procedures, statistics, and operational requirements change and shall remove outdated content from primary distribution channels.

(b) FSMA shall maintain a publicly accessible revision history and archive of prior versions, including date stamps and a description of what changed.

(c) The archive shall be searchable and shall preserve prior content for transparency while clearly labeling it as archived or superseded.

23(5). Distribution across major platforms.

(a) FSMA shall distribute content through official civic information channels, including a primary website and official accounts on major video and social-media platforms, as determined by regulation.

(b) FSMA shall ensure the same core content is available in multiple lengths and formats suitable to each platform.

23(5A). Federal right-of-way public service signage.

(a) FSMA, in coordination with the Department of Transportation, shall implement a public service signage program on federal rights-of-way to inform the public of the official civic information channels established under this section.

(b) Signage shall remain politically neutral and informational.

23(6). Annual Legal Basics engagement requirement.

(a) Each Probationary Migrant TT, Tenured Migrant TT, Migrant WP, Academic Guest, and Protected Migrant shall complete the annual Legal Basics module at least once every twelve (12) months as a condition of renewal or check-in.

(b) FSMA shall record completion status in the individual's official record.

(c) Failure to complete within the required period constitutes objective noncompliance under Section 30.

23(7). Organizational responsibility.

FSMA shall establish an internal unit responsible for producing and maintaining the civic information service and ensuring compliance with neutrality and update standards.

23(8). Worldwide access; rule of construction.

(a) Materials produced under this section shall be publicly accessible worldwide.

(b) Nothing in this section creates any entitlement to admission, renewal, or citizenship.

Section 24. Implementation Timeline; Registration Readiness; Account Setup and Funding Grace; Hard Stop; Targeted Moratorium; Minors Processing Integration; Spending Restrictions During Implementation.

24(1). Purpose.

This section establishes the mandatory implementation schedule for this Act; creates a readiness-based registration timeline for persons already present in the United States; provides a controlled ramp for account establishment and funding; limits government delay; integrates minors processing and custody rules; and prevents discretionary workarounds and federally funded non-governmental organization logistics absent explicit congressional authorization.

24(2). Effective date and initial actions (Day 1).

On the date of enactment ("Day 1"):

(a) FSMA shall be operationally constituted for purposes of staffing, data integration planning, and rule drafting;

(b) conflict identification under Section 4 shall begin immediately; and

(c) the Consumer Price Index adjustment baseline year under Section 5 shall be fixed as the enactment year.

24(3). Six-month rule publication requirement.

No later than six (6) months after enactment, FSMA shall publish final rules and technical standards necessary to implement:

- (a) the FSMA Verification System;
- (b) employer training certification registry requirements;
- (c) Migrant Solvency Account withholding and remittance protocols;
- (d) Migrant Surety Bond certification standards and “bond unavailable” proof standards;
- (e) Protected Migrant and NRPD procedures under Section 18;
- (f) adjudication ladder logistics under Section 17; and
- (g) minors processing and custody rules under subsection 24(9) and the statutory replacement enacted in Section 40 Schedule 40-A(6).

24(4). One-year operational requirement.

No later than one (1) year after enactment, FSMA shall have operational capability for:

- (a) Migrant Solvency Account deposit and disbursement;
- (b) Federal Solvency Reserve deposit and disbursement;
- (c) the FSMA Verification System; and
- (d) the adjudication ladder described in Section 17.

24(5). Registration System Readiness Date.

- (a) FSMA shall certify a Registration System Readiness Date when the agency has operational capacity to accept, process, and adjudicate registrations required by this Act for individuals already present in the United States.
- (b) The Registration System Readiness Date shall be no earlier than four (4) months after enactment and no later than twelve (12) months after enactment.
- (c) FSMA shall publish the Registration System Readiness Date in the Federal Register and on the official civic information channels required by Section 23.

24(5A). Two-year registration window (starts at readiness; always two full years).

- (a) The two-year registration window for individuals already present in the United States begins on the Registration System Readiness Date and remains open for twenty-four (24) months.
- (b) The full twenty-four (24) months shall be preserved.

24(5B). Mandatory enforcement after window closes.

Upon expiration of the two-year registration window, any individual required to register who has not registered is in violation of this Act and is subject to removal under the enforcement and adjudication procedures of this Act.

24(5C). Capacity duty during registration window.

During the two-year registration window, FSMA shall maintain sufficient staffing, processing capacity, and appointment availability so that eligible persons can reasonably complete registration within the window, and shall publish monthly capacity metrics.

24(5D). Broad notice.

FSMA shall provide broad notice of the registration window using the civic information system and public service signage provisions of Section 23.

24(5E). Account establishment requirement for registrants already present.

Any individual who registers and is permitted to remain under this Act shall establish all required financial instruments under this Act within a period prescribed by regulation, not to exceed ninety (90) days from the date the individual's registration is accepted.

24(5F). Funding grace period; six-month completion; one extension for documented progress.

(a) Once the individual establishes the required Migrant Solvency Account, the individual shall have six (6) months to bring the account into compliance with the fully funded threshold required by this Act.

(b) FSMA may grant one (1) extension of up to six (6) additional months if the individual demonstrates documented progress.

(c) Failure to comply constitutes a status violation and may result in denial of continued status and initiation of removal under this Act's adjudication ladder.

24(6). Hard stop (four-year cap on infrastructure readiness; no delay of enforcement).

(a) Under no circumstances may full enforcement of this Act be delayed beyond four (4) years from the date of enactment.

(b) On the four-year anniversary of enactment, all operational components required by this Act shall be deemed enforceable regardless of agency readiness.

(c) The two-year registration window shall not be shortened by this hard stop.

24(7). Waiver authority (limited; not a rewrite).

(a) The Under Secretary may authorize limited waivers of technical deadlines for specific infrastructure items upon written findings of necessity.

(b) Waivers may not exceed one (1) year at a time and may not extend beyond the four-year hard stop.

(c) Waivers may not waive substantive requirements, penalty minimums, caps, or the adjudication structure.

24(8). Moratorium on new admissions during implementation (choke-off continuity).

(a) During implementation, the United States shall suspend issuance of any new Migrant TT admissions, any new Migrant WP admissions, and any new Protected Migrant grants, except as expressly provided in subsections 24(8B) and 24(8C).

(b) The moratorium begins on the date of enactment and remains in effect until FSMA certifies full operational readiness and the labor-market gate in Section 34 is satisfied; absent both conditions, the moratorium continues.

(c) Excluded from moratorium. Academic Guest and Harvest Migrant admissions may continue only if otherwise compliant with this Act and subject to any applicable gates and caps.

24(8A). No workaround.

No officer, employee, or agency of the United States may create an alternative pathway, parole program, Deferred Action program, Covered Discretionary Stay program, discretionary program, mass waiver, or substitute classification to circumvent the moratorium in subsection 24(8).

24(8B). Marriage and minor-child exception (citizen nuclear family).

Notwithstanding subsection 24(8), FSMA shall continue to accept and adjudicate admissions and

status issuance for:

- (1) a spouse of a United States citizen; and
- (2) an unmarried minor child (under eighteen (18) years of age) of a United States citizen; provided all applicants comply with identity verification, security screening, Values Contract execution, and solvency requirements applicable under this Act.

24(8C). National security / industrial security exception.

- (a) The President may authorize individual, enumerated admissions during the moratorium upon a written finding that each admission is necessary for national security or industrial security.
- (b) An authorization requires a written recommendation jointly executed by the Under Secretary, the Attorney General, and the Secretary of State.
- (c) No class admissions. This authority may not be used to admit broad classes of persons by category, nationality, generalized condition, or program label.

24(8D). Reporting.

FSMA shall publish quarterly counts of admissions processed under subsections 24(8B) and 24(8C).

24(9). Minors and Unaccompanied Children encountered at the border (integrated rules; anti-incentive).

- (a) Purpose. This subsection establishes a unified federal processing framework for Accompanied Minors and Unaccompanied Children that prevents unlawful entry incentives and prevents settlement-by-delay.
- (b) No status by presence. No minor's presence creates lawful status, parole entitlement, Deferred Action entitlement, Covered Discretionary Stay entitlement, work authorization, or eligibility for benefits for any adult or minor.
- (c) Unaccompanied Children (UC). FSMA shall:
 - (1) verify identity and nationality by biometric and biographic methods appropriate to minors;
 - (2) place UCs in federally controlled care settings meeting child-safety standards prescribed by regulation;
 - (3) prioritize repatriation or lawful third-country transfer where feasible and lawful, subject to NRPD limitations under Section 18(12)–18(13); and
 - (4) prioritize placement only with an eligible sponsor adult meeting subsection 24(9)(d).
- (d) Sponsor placement eligibility (lawful-only; verified-only). FSMA may reunify or place a UC with a sponsor adult only if FSMA verifies by minimum necessary indicators that:
 - (1) the sponsor adult is a lawful parent or lawful legal guardian, or another adult expressly permitted by regulation solely for exceptional child-safety necessity;
 - (2) the sponsor adult is lawfully present in the United States;
 - (3) the sponsor adult's identity is verified and biometrically registered;
 - (4) the sponsor adult provides a registered physical address and registered email and agrees to lawful supervision and appearance requirements; and
 - (5) placement does not create an unlawful-entry incentive as defined by regulation.
- (e) No placement with unlawful sponsors; no sponsor laundering.
 - (1) No UC may be placed with a sponsor adult who is unlawfully present.
 - (2) No UC placement process may be used to facilitate unlawful adult presence, to create settlement-by-delay, or to create access to benefits or work authorization for any sponsor adult.

- (3) Any knowing false statement by a sponsor adult in a UC placement process constitutes fraud and triggers civil penalties and referral for prosecution.
- (f) Accompanied Minors (AM). FSMA shall treat AMs as part of the accompanying adult's case for removal processing, subject to child-safety standards for housing and transport.
- (g) No NGO custody substitute. Placement, supervision, transport, or housing by a non-governmental organization does not constitute lawful custody and may not be used as a substitute for federal custody decisions under this Act.
- (h) No categorical release. No policy may provide categorical release of UCs or AM family units based solely on capacity constraints; decisions must be individualized and documented consistent with this Act.
- (i) Proceedings priority. Cases involving minors shall receive priority scheduling in the Section 17 ladder timelines.
- (j) Federal custody remains federal; ORR interface by regulation; no private custody substitution.
- (1) Custody, care-site operation, and placement decisions are governmental functions under this Act.
- (2) Any interface with the Department of Health and Human Services child-care infrastructure shall be implemented by regulation consistent with this subsection; no third party may serve as the legal custodian of a UC by virtue of contract or grant.
- (3) Nothing in this subsection authorizes categorical release based on capacity constraints alone.
- (k) Regulations and conformity. FSMA shall promulgate implementing rules under subsection 24(3)(g), and any prior administrative practice inconsistent with this subsection or inconsistent with the statutory replacement enacted in Section 40 Schedule 40-A(6) shall have no force for determinations under this Act.

24(10). Federal spending restriction—no federally funded NGO mass logistics absent Act of Congress.

No federal funds may be used to contract with, grant to, or otherwise finance non-governmental organizations for mass transportation, mass housing, mass placement, or mass case-management of non-citizens absent an Act of Congress expressly authorizing such program and expressly appropriating funds for it.

Section 25. Funding, Dedicated Receipts, Appropriations, Treasury Return Goal, Government-Owned Systems, Single-Umbrella Governance, Anti-Crony Procurement, and Anti-Obstruction.

25(1). Purpose.

This section establishes the funding mechanism for implementing and operating the Federal Sovereignty and Migrant Authority (FSMA), including dedicated receipts, appropriations, system ownership requirements to avoid vendor lock-in, anti-crony procurement controls, and anti-obstruction rules to prevent implementation sabotage or capture.

25(2). Dedicated receipts (self-funding streams).

All of the following revenues shall be deposited into FSMA accounts administered under this Act and used solely for purposes authorized by this Act:

- (a) civil penalties collected under Section 14;
- (b) overstay penalties collected under Section 9;
- (c) employer Harvest labor charges and other employer labor tariffs deposited into the Federal Solvency Reserve under Sections 11 and 32;
- (d) any forfeitures or collections authorized under the financial sovereignty and removal provisions of this Act; and
- (e) any other fees or charges expressly created by this Act.

25(3). Appropriations authorization (startup and ongoing operations).

- (a) Congress authorizes appropriations to FSMA for implementation, staffing, technology, adjudication operations, mobile unit deployment, and enforcement coordination for as many fiscal years as necessary.
- (b) The goal of this Act is for FSMA to become net revenue-positive over time through dedicated receipts, but appropriations are authorized because large-scale implementation and long-term operation require sustained funding.

25(4). Treasury return goal (surplus remittance).

- (a) It is the express policy objective of Congress that FSMA become a self-funded agency that returns surplus receipts to the United States Treasury.
- (b) Beginning in the first fiscal year in which annual dedicated receipts exceed annual appropriations and operational costs, FSMA shall remit the surplus to the United States Treasury as miscellaneous receipts, after maintaining a reasonable operating reserve as defined by regulation.

25(5). Technology delivery requirements (milestone-based; security-first).

- (a) FSMA shall implement a milestone-based delivery structure for major systems, including the registration system, account systems, verification systems, adjudication systems, and public portals.
- (b) Contracts shall require measurable deliverables, performance testing, and operational readiness certification before full payment is made.
- (c) No system shall be deployed without meeting federal security standards applicable to identity systems and financial systems.

25(6). Government ownership of systems (“keys to the code”).

- (a) Any technology system funded or required by this Act, including the FSMA Verification System and the civic information services, shall be owned and controlled by the United States Government.
- (b) The United States Government shall possess full administrative control over all source code repositories, encryption keys, system credentials, domains, and infrastructure configuration necessary to operate, modify, and maintain the systems without vendor permission.
- (c) No contractor may retain exclusive control of source code, deployment pipelines, security keys, or operational credentials.
- (d) All contracts shall include a mandatory assignment clause granting the United States

Government full rights to the code and documentation created under the contract, sufficient to modify, fork, audit, and operate the system indefinitely.

25(7). Anti-vendor lock-in; portability.

- (a) Systems shall be designed to be portable and transferable to successor contractors or internal government teams.
- (b) Contracts shall require delivery of complete technical documentation and transfer-of-operations procedures.
- (c) Any attempt by a contractor to restrict access to code or operational control is a material breach and grounds for termination and debarment.

25(8). Anti-crony procurement and revolving-door restrictions.

- (a) Prohibited compensation structures. No FSMA contract, grant, or cooperative agreement may include per-capita compensation, “success fees,” or any compensation formula tied primarily to the number of non-citizens processed, transported, housed, released, placed, or supervised.
- (b) No contingency NGO logistics. No contract, grant, or cooperative agreement may condition payment on “placement outcomes,” “release outcomes,” “case throughput,” or similar outcome metrics for non-citizens.
- (c) Revolving-door restriction. Any FSMA senior official (as defined by regulation) is prohibited for four (4) years after leaving FSMA service from employment, consulting, board service, or compensated representation with any contractor, grantee, or subgrantee that received FSMA funds during the official’s last three (3) years of service.
- (d) Disclosure. FSMA shall publish quarterly a list of all contractors, grantees, and cooperative agreement recipients, award amounts, scopes of work, and audit findings, subject to limited redaction for operational security.
- (e) Subcontract and subgrant coverage. The prohibitions and restrictions in this subsection apply equally to all subcontractors, subgrantees, and downstream recipients of FSMA funds. Any attempt to evade these restrictions through pass-through contracting or layered subgrants constitutes a material breach and grounds for termination and debarment.

25(9). Single umbrella governance; non-duplication mandate.

- (a) It is the express intent of Congress that all federal immigration administration under this Act be brought under one unified operational umbrella to reduce duplication, reduce cost, and improve enforcement consistency.
- (b) FSMA is the sole controlling authority for immigration status administration, solvency administration, employer verification interfaces, and adjudication coordination under this Act.
- (c) Participating departments and components represented on the Sovereignty Council shall support FSMA through integrated data, delegated operational functions, and standardized procedures, but shall not operate parallel or duplicative immigration status systems inconsistent with this Act.

25(10). Mandatory consolidation orders; cooperation duty.

- (a) The Under Secretary, acting through FSMA, shall issue consolidation orders to eliminate duplicative immigration administrative functions across the Federal Government to the maximum extent practicable.
- (b) Each department, component, and office that performs immigration administrative functions

overlapping with this Act shall comply and provide timely access to personnel, records, procedures, and technical assets necessary to implement this Act.

(c) No department, component, or office may maintain a parallel immigration status administration process inconsistent with this Act after the applicable transition deadlines established by Section 24.

25(11). Anti-obstruction; penalties for interference with implementation.

(a) It shall be unlawful for any federal officer, employee, contractor, or agent to knowingly obstruct, delay, sabotage, materially misrepresent, or refuse to execute a lawful consolidation order or implementation directive issued pursuant to this Act.

(b) A violation constitutes official malfeasance and is grounds for:

(1) removal from position of employment or appointment;
(2) termination of federal contract eligibility (for contractors);
(3) loss of eligibility for promotion or supervisory authority for a period defined by regulation; and

(4) referral for administrative discipline and criminal investigation where applicable.

(c) Good-faith whistleblowing preserved. Good-faith reporting of fraud, waste, abuse, or unlawful conduct is protected; refusal to implement lawful directives based on policy disagreement is not protected activity.

25(12). Workforce transition; retain expertise; no change-for-change's-sake.

(a) In executing consolidation, the Under Secretary and FSMA shall, where practicable, transfer and reassign qualified personnel from existing agencies and components that previously performed relevant functions, to preserve institutional knowledge and reduce redundant hiring and training costs.

(b) Systems, procedures, and staffing changes shall be made for operational necessity and cost-effectiveness.

25(13). Federal Solvency Reserve; restricted account; permitted uses.

(a) FSMA shall maintain the Federal Solvency Reserve as a restricted account for the administration and enforcement of this Act.

(b) Funds may be used only for:

(1) administration and operation of systems and programs required by this Act;
(2) costs of removal operations not otherwise covered by an individual bond, deposit, or Migrant Solvency Account;
(3) costs of the registration surge program, including regional offices and mobile units; and
(4) compliance, audit, and anti-fraud operations necessary to enforce this Act.

25(14). Non-diversion; not general revenue.

(a) The Federal Solvency Reserve is not part of the general fund and shall not be transferred, reprogrammed, or used for purposes unrelated to this Act.

(b) Any knowing diversion constitutes official malfeasance under this Act.

25(15). Transparency reporting and independent audit.

(a) FSMA shall publish quarterly summaries of Federal Solvency Reserve deposits by source category and expenditures by permitted-use category.

(b) The Federal Solvency Reserve shall be subject to annual independent audit, with results published subject to limited redaction for operational security.

25(16). Emergency spending prohibition (no NGO mass logistics absent Act of Congress). No funds administered under this Act may be used to finance or support any program that functions as mass transportation, mass housing, mass placement, or mass case-management of non-citizens absent an Act of Congress expressly authorizing such program and expressly appropriating funds for it.

Section 26. Regional Administration; Six Regional Offices; Mobile Registration Units; Surge Staffing; Siting Standards; Reporting.

26(1). Purpose.

This section establishes regional operational capacity for FSMA to administer registration, compliance, renewals, and enforcement efficiently nationwide through six regional offices and mobile units, without unnecessary permanent infrastructure.

26(2). Six Regional Offices (metro service; small-city siting; Under Secretary determination; public notice).

(a) FSMA shall establish and maintain six (6) Regional Offices within the United States.

(b) Each Regional Office shall be designated to serve one or more metropolitan areas that experience high non-citizen traffic and high operational demand under this Act.

(c) Siting rule (outside the metropolitan area). Each Regional Office shall be located outside the metropolitan area it principally serves, in a smaller city with a resident population of less than fifty thousand (50,000) people, as determined by the most recent Census Bureau annual population estimate.

(d) Access requirement. Each Regional Office location must have practical transportation access to and from the metropolitan area it serves, including reliable highway access and, where practicable, proximity to a commercial airport, regional rail/bus corridor, or other major transportation hub.

(e) Under Secretary determination. The Under Secretary shall designate locations and boundaries by regulation based on workload indicators, secure facility availability, staffing capacity, and the siting and access requirements of this section.

(f) Public notice. FSMA shall publish in the Federal Register and on official civic information channels required by Section 23: (1) designated Regional Office locations; (2) Regional Office boundaries; and (3) an operational rationale referencing subsection (e).

(g) Adjustment authority. The Under Secretary may adjust boundaries and service areas as needed for efficiency and national coverage, provided public notice is given.

26(3). Regional Office functions.

Each Regional Office shall have authority to administer and support:

(a) registration intake and processing under Section 24;

- (b) Migrant Solvency Account onboarding, verification, and compliance support;
- (c) employer compliance support and audits;
- (d) Academic Guest sponsor coordination;
- (e) adjudication logistics support for Field Magistrates and panel hearings; and
- (f) public outreach and information distribution consistent with Section 23.

26(4). Mobile Registration Units (surge; coordination).

- (a) FSMA shall establish Mobile Registration Units capable of traveling to locations where in-person registration, identity verification, biometric capture, or compliance verification is needed.
- (b) Mobile Registration Units may be deployed to counties, cities, tribal areas (in coordination with tribal authorities where practicable), colleges, major employers, community facilities, and other appropriate sites, including temporary surge sites.
- (c) Mobile Registration Units may operate for limited durations and may be expanded or reduced based on demand metrics.

26(5). Data collection limits and safeguards for mobile operations.

- (a) Identity verification and biometric collection performed under this section shall be limited to minimum necessary indicators authorized under Section 3 and subject to access controls, purpose limitations, and audit logging requirements.
- (b) Eligibility determinations and issuance of final status determinations under this Act shall be performed by government personnel.

26(6). Surge staffing authority (temporary).

- (a) During the two-year registration window described in Section 24, FSMA may surge staffing levels using:
 - (1) temporary federal appointments;
 - (2) detail assignments from participating federal agencies represented on the Sovereignty Council;
 - (3) National Guard support as provided in subsection 26(6C); and
 - (4) Department of Defense administrative support as provided in subsection 26(6B).
- (b) The Under Secretary shall prioritize the use of transferred or detailed personnel with relevant immigration experience and bilingual capabilities to reduce training time and increase orderly throughput.
- (c) Post-surge reduction. Staffing surges under this section shall be scaled down after the registration window closes, consistent with the intent that ongoing operations be compliance administration rather than permanent mass intake.

26(6B). Department of Defense administrative support detail (intake and logistics; neutral attire; no law enforcement).

- (a) Upon a written determination by the Under Secretary that surge staffing is required, the President may authorize temporary assignment of Department of Defense personnel to support FSMA operations during the registration window.
- (b) Permitted functions. Personnel detailed under this subsection may perform administrative and logistical support functions, including intake support, document handling, equipment operation, biometric capture after FSMA training, translation support, and mobile unit logistics.
- (c) Prohibited functions. Personnel detailed under this subsection shall not exercise arrest

authority, detention authority, search authority, or any domestic law-enforcement power.

(d) Attire standard. For intake and administrative processing inside registration sites, detailed personnel shall wear standardized neutral attire designated by FSMA.

(e) Bilingual screening. The Department of Defense shall, where practicable, identify personnel with relevant language skills for temporary assignment.

26(6C). National Guard standby and rapid response (external security support).

(a) FSMA may request National Guard support for registration-site stabilization, emergency response, and perimeter safety during surge operations.

(b) Personnel supporting this subsection shall operate in uniform and may be armed consistent with applicable law and orders, and shall be positioned primarily for external security and rapid response rather than intake processing.

(c) Nothing in this subsection authorizes the National Guard to perform adjudication or final eligibility determinations under this Act.

26(6D). Registration-site neutrality protocol (FSMA face; no Immigration and Customs Enforcement branding at intake).

(a) FSMA shall adopt a registration-site neutrality protocol to minimize intimidation and preserve orderly processing.

(b) The protocol shall prohibit Immigration and Customs Enforcement branding, markings, signage, or uniformed presence as the public-facing intake identity at registration sites and mobile intake points operated under this section.

(c) Visible intake and processing functions shall be performed by FSMA personnel or Department of Defense personnel detailed under subsection 26(6B), with National Guard support under subsection 26(6C) positioned primarily for external security and rapid response.

(d) Nothing in this subsection limits lawful enforcement action; it requires that enforcement be conducted in a manner that does not convert registration intake into an enforcement theater.

26(7). Minimum service standards.

(a) FSMA shall ensure reasonable geographic access to registration and compliance services through a combination of Regional Offices and Mobile Registration Units.

(b) FSMA shall publish service standards for appointment availability, average processing time, and capacity metrics.

26(8). Reporting.

FSMA shall publish monthly appointment and capacity metrics during the registration window and quarterly reports during the registration window and annually thereafter, including:

(a) number of registrations completed;

(b) average wait times for appointments;

(c) Mobile Registration Unit deployments and locations;

(d) Regional Office workloads; and

(e) budget execution compared to dedicated receipts and appropriations.

Section 27. Federal Supremacy in Immigration Administration; Prohibition on Obstruction; Status Verification Encounters; Public-Space Biometric Pilot; Civil Removal Warrants; Spending-Clause Conditions; Schedule 27-A.

27(1). Purpose.

This section prevents state and local interference with the federal government's exclusive authority over immigration administration under this Act; prohibits obstruction of FSMA operations and federal immigration enforcement cooperation; establishes lawful status-verification encounter rules with strict purpose limitations; creates a narrowly constrained public-space biometric compliance pilot with safeguards and severability; and establishes a civil removal warrant mechanism to execute final removal orders, together with narrowly tailored Spending-Clause grant conditions.

27(2). Federal supremacy; cooperation duty.

- (a) Immigration administration and enforcement under this Act are federal functions executed under federal supremacy.
- (b) No State, county, municipality, or political subdivision may enact or enforce a policy, ordinance, rule, directive, or order that materially obstructs, restricts, or prohibits cooperation with FSMA in administering this Act.

27(3). Prohibition on sanctuary non-cooperation policies (information and access).

- (a) No jurisdiction may prohibit or materially restrict:
 - (1) exchange of identity and custody information with FSMA for purposes of immigration-status compliance under this Act;
 - (2) confirmation of immigration status by federal officers acting under this Act; or
 - (3) lawful access by federal officers to individuals in local custody for identification, biometric verification, and service of notices under this Act.
- (b) A "material restriction" includes refusal to provide release dates/times for persons in custody, refusal to provide identity records necessary to determine status, and refusal to allow lawful access for service and verification under this Act.

27(4). Grants consequences (Spending-Clause safe conditions).

- (a) Condition of specific federal grants. As an express condition on the receipt of federal law-enforcement and public-safety grants administered by the Department of Justice, each recipient jurisdiction shall certify compliance with subsection 27(3) and shall not maintain a policy of material restriction as defined in subsection 27(3).
- (b) Notice and opportunity to cure. Before imposition of consequences, FSMA shall provide written notice and a thirty (30) day cure period.
- (c) Relatedness statement. Congress finds that the conditions in this subsection are directly related to the purpose of Department of Justice law-enforcement and public-safety grants, including officer safety, lawful custody coordination, and enforcement of federal law.
- (d) Scope limitation. Consequences under this subsection shall be limited to the specific grant

programs described in subsection (a) and listed in Schedule 27-A, and shall not apply to unrelated federal funding streams.

(e) Ineligibility period. If a jurisdiction remains in violation after the cure period, the jurisdiction is ineligible for the specified grant funds during the period of violation beginning on the first day of the next fiscal quarter and ending upon FSMA certification of compliance.

(f) Clear notice. Receipt of funds under the grant programs described in subsection 27(4)(a) and listed in Schedule 27-A constitutes acceptance of the conditions in this section, and the grant award documents shall expressly state these conditions.

(g) Proportionality. Consequences for noncompliance under this subsection shall be limited to suspension, withholding, or termination of the specific grant program(s) listed in Schedule 27-A and shall not extend to unrelated federal funding.

27(5). Individual obstruction liability (official malfeasance).

(a) It shall be unlawful for any public official, acting under color of law, to knowingly issue or enforce an order or policy that materially obstructs implementation of this Act.

(b) A knowing violation constitutes official malfeasance and is grounds for removal from office or employment under applicable law and for civil liability as provided in subsection 27(6).

27(6). Private right of action (limited).

(a) A United States citizen who suffers direct physical injury or property damage proximately caused by a jurisdiction's refusal to comply with this section may bring a civil action against the jurisdiction for damages.

(b) Nothing in this subsection creates strict liability; the plaintiff must prove causation by a preponderance of evidence.

(c) Sovereign immunity is waived to the limited extent necessary to allow the action described in subsection (a).

27(7). Safe harbor for good-faith cooperation.

(a) A jurisdiction that adopts written compliance procedures and provides designated points of contact for federal officers shall be presumed compliant unless evidence shows material obstruction.

(b) This safe harbor does not protect intentional non-cooperation.

27(8). Administrative review (limited).

(a) Before imposing grant consequences, FSMA shall provide notice and a cure period as provided in subsection 27(4).

(b) A jurisdiction may request an administrative review limited to whether its policy materially obstructs federal operations; such review shall be completed within thirty (30) days.

(c) A request for review does not stay the cure period unless FSMA grants a written stay for good cause.

27(9). Targeted biometric status verification (checkpoints, ports, FSMA sites, and lawful stops).

(a) Purpose and scope. The purpose of this subsection is to permit identity and immigration-status compliance verification using biometric matching and FSMA minimum-necessary indicators, in limited operational contexts, without authorizing suspicionless street detention.

(b) Authorized contexts. FSMA biometric verification may be conducted only:

- (1) at Ports of Entry and functional equivalents of the border;
- (2) at fixed immigration checkpoints authorized under federal law;
- (3) at FSMA registration, renewal, or compliance sites, including Mobile Registration Units; and
- (4) incident to a lawful stop, lawful detention, or lawful booking conducted under existing constitutional standards and applicable law.

(c) Non-citizen presentation rule. Any non-citizen age eighteen (18) or older present in the United States under a status administered by FSMA shall carry and present FSMA-issued status documentation upon lawful request in the contexts described in subsection (b), consistent with federal law requiring non-citizens to carry proof of registration.

(d) Citizen claim rule (no papers mandate; database lookup allowed). A person who claims United States citizenship shall not be required by this Act to carry proof of citizenship. However, in the authorized contexts described in subsection (b), an officer may require the person to provide, at minimum, name and date of birth for the limited purpose of immigration-status compliance verification through FSMA systems.

(e) Purpose limitation (immigration compliance only). Any query or verification under this subsection shall be used only to determine immigration-status compliance under this Act and shall not be used to check warrants, traffic tickets, non-immigration criminal history, or other unrelated law-enforcement purposes, except where independently authorized by law outside this Act.

(f) No new detention authority. Nothing in this subsection authorizes a stop, detention, or seizure absent lawful grounds required by the Constitution and applicable case law. Any detention must be justified independently under existing law.

(g) Audit logging and misuse penalties. All biometric verifications and related database queries shall be logged under Section 3 audit requirements. Knowing misuse of this subsection constitutes official malfeasance and triggers discipline and penalties under this Act and applicable federal law.

27(10). Public-space biometric compliance pilot (high-safeguard, narrow-target, sunset).

(a) Purpose. The purpose of this subsection is to authorize a limited, highly constrained pilot program to identify persons already determined by FSMA records to be in noncompliance under this Act, while minimizing intrusion on the general public.

(b) Pilot authorization; limited duration. FSMA may operate a public-space biometric compliance pilot for a period not to exceed three (3) years from the pilot start date.

(c) Narrow target list (no general migrant scanning). The pilot may match biometric images only against a narrow FSMA “Noncompliance Target List,” limited to individuals who meet at least one of the following:

- (1) a final, enforceable order of removal under this Act;
- (2) a verified overstay flag under this Act where adjudication and notice are complete and the person is in unlawful status;
- (3) a verified bond forfeiture or absconder status under this Act;
- (4) a verified Prohibited Criminal Organization removal determination under this Act that is final under this Act’s adjudication ladder; or
- (5) a final FSMA noncompliance determination, supported by a preponderance of the evidence, that the individual committed a qualifying unlawful act and is out of compliance under this Act, where identity is confirmed by authenticated video or other reliable evidence and the determination is final under this Act’s adjudication ladder (including affirmation by a Field

Magistrate or lapse of appeal deadlines).

(c)(A) Qualifying unlawful act (for paragraph (5)). For purposes of paragraph (5), “qualifying unlawful act” means felony conduct or conduct involving violence, arson, riot-related property destruction, assault, burglary, felony-equivalent theft under this Act, or other conduct designated by regulation consistent with this Act.

(d) Limited locations; written designation; public notice.

(1) The pilot may operate only in FSMA-designated locations with written justification tied to demonstrated noncompliance enforcement needs.

(2) FSMA shall publish the general geographic scope and duration of pilot operations, except that specific camera placements may be withheld where publication would defeat the program.

(e) Non-retention of non-matches; no movement tracking.

(1) Biometric data derived from persons who do not match the Noncompliance Target List shall not be retained and shall be discarded immediately by automated process.

(2) The pilot shall not create or maintain movement histories, association maps, or location trails for any person, including matched persons, except the minimal record that a match occurred, the time of match, the camera identifier, and the enforcement disposition.

(f) High-confidence match threshold; mandatory human confirmation.

(1) The pilot may not trigger any enforcement action unless a match meets a high-confidence threshold defined by regulation and validated by independent testing.

(2) Prior to any enforcement action, a trained FSMA officer shall conduct a human confirmation review using at least two independent identifiers.

(g) Enforcement limits; immigration-only purpose.

(1) A pilot match may be used only for immigration compliance enforcement under this Act.

(2) A match alone does not authorize arrest or detention beyond what is lawful under the Constitution and applicable law; any detention must comply with this Act and existing constitutional standards.

(3) Any database query triggered by a match shall be purpose-limited to immigration compliance and subject to audit logging.

(h) Accuracy requirements; false-positive mitigation.

(1) FSMA shall conduct and publish periodic accuracy and false-positive testing of any biometric matching system used in the pilot.

(2) If false-positive rates exceed thresholds established by regulation, pilot operations shall be suspended until corrected.

(i) Reporting and independent audit.

(1) FSMA shall publish quarterly reports including: number of matches, number of false positives, number of enforcement actions, and dispositions.

(2) The pilot shall be subject to annual independent audit of compliance with the non-retention, non-tracking, and purpose-limitation requirements.

(j) Sunset; automatic termination. The authority in this subsection terminates automatically three (3) years after the pilot start date unless reauthorized by an Act of Congress.

(k) Severability (pilot). If any provision of subsection 27(10), or its application to any person or circumstance, is held invalid, subsection 27(9) and the remainder of this Act, including the remainder of this section, shall not be affected.

27(11). Civil Removal Warrant (post-finality; custody for removal only).

(a) Purpose. This subsection establishes a civil warrant mechanism to ensure that final removal

determinations under this Act are enforceable when a respondent fails to comply with departure requirements or is determined to have absconded.

(b) Authority to issue. A Field Magistrate may issue a Civil Removal Warrant upon a showing that:

- (1) a removal determination has become final and enforceable under this Act; and
- (2) the respondent has failed to depart within the required departure period, failed to appear when lawfully ordered to appear after valid service, or is otherwise determined by a preponderance of the evidence to have absconded.

(c) Scope and limitations (immigration custody only).

(1) A Civil Removal Warrant authorizes designated federal officers to locate, detain, and transport the respondent for the limited purpose of executing the final removal order.

(2) The warrant does not authorize prosecution for criminal offenses and does not substitute for a criminal arrest warrant.

(3) The warrant does not authorize general searches; any entry or search must comply with the Constitution and applicable law.

(d) Designated executing officers. A Civil Removal Warrant shall be executed only by federal officers authorized to conduct immigration enforcement functions and acting under FSMA operational coordination.

(e) Service and database flagging. Upon issuance, FSMA shall flag the respondent as subject to a Civil Removal Warrant, record the warrant in the audit-logged system, and provide minimum necessary indicators of warrant status to cooperating custodial agencies for the limited purpose of transfer to federal custody.

(f) Cancellation. A Civil Removal Warrant shall be cancelled upon verified departure, verified removal, or upon order of the issuing Field Magistrate based on changed legal status.

27(12). Severability (section-wide).

If any provision of this section, or its application to any person or circumstance, is held invalid, the remainder of this section and the remainder of this Act shall not be affected.

27(13). Bar on state-created substitute status credentials.

No State, county, municipality, or political subdivision may create any identification credential, status label, or registration substitute that is represented as proof of lawful federal immigration status; any such credential is void for federal purposes and may not be used to access any federally controlled benefit, license, grant, or contract.

27(14). Schedule 27-A (Covered Department of Justice grant programs).

(a) The grant conditions in subsection 27(4) apply only to the programs listed in Schedule 27-A.

(b) Schedule 27-A is controlling for purposes of clarity and notice.

(c) FSMA may not expand Schedule 27-A by regulation beyond Department of Justice law-enforcement and public-safety grant programs that have a primary purpose of supporting law-enforcement operations or public safety; any such update requires Federal Register publication and a sixty (60) day notice period.

SCHEDULE 27-A — Covered Department of Justice Grant Programs (Law-Enforcement/Public-Safety Only)

The following Department of Justice grant programs are covered for purposes of Section 27(4):

1. Edward Byrne Memorial Justice Assistance Grant (Byrne JAG) Program (state and local).
2. Office of Community Oriented Policing Services (COPS Office) grants, including the COPS Hiring Program and any successor COPS Office law-enforcement staffing or operations grants.
3. Project Safe Neighborhoods grants and any successor Department of Justice program with the primary purpose of supporting law-enforcement violent-crime operations.
4. State Criminal Alien Assistance Program (SCAAP) and any successor Department of Justice reimbursement program tied to law-enforcement custodial costs.
5. Bulletproof Vest Partnership (BVP) and any successor Department of Justice officer-safety equipment grant program.
6. Any Department of Justice grant program expressly designated by Congress as a law-enforcement operations or public-safety grant and added to this Schedule by Act of Congress.

Section 27A. FSMA/Immigration Officer Field Authority; Interrogation; Warrantless Arrest; Prompt Examination; Home Entry Rule; Audit Logging; Misuse Penalties.

27A(1). Purpose and scope.

This section preserves and standardizes the field enforcement authorities necessary to administer and enforce this Act, including the authority to ask questions regarding immigration-status compliance, the authority to arrest and take a non-citizen into civil custody under defined conditions, and the requirement for prompt examination and processing after custody. This section is intended to: (a) ensure federal officers have clear authority to enforce this Act; (b) ensure encounters comply with constitutional limits; (c) prevent surveillance or enforcement misuse by requiring strict purpose limitation and audit logging; and (d) prevent settlement-by-delay by requiring prompt processing. This section applies to any designated federal officer performing immigration enforcement functions under this Act, including officers operating under FSMA operational coordination.

27A (2). Interrogation authority (questioning regarding right to be or remain).

(a) Authority to question. A designated federal officer performing immigration enforcement functions under this Act may, without a warrant, ask any person who is a non-citizen or who the officer reasonably believes may be a non-citizen, questions limited to the person's identity and the person's right to be or to remain in the United States under this Act.

(b) No detention by questioning alone. Questioning authorized by this subsection does not, by itself, constitute a detention, seizure, or arrest. Any detention or seizure must be independently justified under the Constitution and applicable law and is governed by this Act and by Section 27 encounter limitations.

(c) Non-citizen documentation rule. In the authorized contexts described in Section 27(9), a non-citizen age eighteen (18) or older present in the United States under a status administered by FSMA shall carry and present FSMA-issued status documentation upon lawful request,

consistent with federal law requiring non-citizens to carry proof of registration.

(d) Citizen claim rule; minimum identifying information; refusal consequences (no identity shield).

A person who claims United States citizenship shall not be required by this Act to carry proof of citizenship. However, in the authorized contexts described in Section 27(9), an officer may require the person to provide, at minimum, name and date of birth for the limited purpose of immigration-status compliance verification through Federal Sovereignty and Migrant Authority systems. Refusal to provide such minimum identifying information may be treated as a failure to cooperate with a lawful identity inquiry and may support a lawful detention or continued detention consistent with the Constitution and applicable law; nothing in this Act creates a right to frustrate verification by withholding identity information.

27A (3). Warrantless arrest authority (limited conditions) and civil custody.

(a) Authority. A designated federal officer performing immigration enforcement functions under this Act may, without a warrant, arrest and take into civil custody a non-citizen in the United States if the officer has probable cause to believe that the non-citizen:

(1) is in violation of this Act's admission, status, renewal, registration, solvency, or other mandatory compliance requirements; and

(2) is likely to escape or abscond before a warrant can be obtained.

(b) Relationship to other custody authority. This subsection supplements, and does not limit, custody and arrest authorities otherwise provided under this Act, including Civil Removal Warrants under Section 27, border custody under Section 10A, and pre-finality custody authority under Section 17A.

(c) No indefinite arrest authority. Nothing in this subsection authorizes indefinite detention; detention limits and custody review are governed by Sections 15(7), 17A, and 36.

27A (4). Prompt examination and processing requirement (codified safeguard).

(a) Without unnecessary delay. Any non-citizen arrested or taken into civil custody under this section shall be taken without unnecessary delay for identity verification and status examination under FSMA authority.

(b) Minimum processing steps. Processing under subsection (a) shall include:

(1) biometric identity verification where practicable;

(2) minimum necessary indicator verification under Section 3;

(3) determination of the applicable enforcement pathway under this Act (including Section 10A summary removal where applicable, Section 30 objective noncompliance processing where applicable, or other applicable provisions); and

(4) service of the applicable notice instrument required by this Act, including an FSMA Notice of Charges under Section 16A where required.

(c) No status by processing. No delay in processing creates lawful status, parole entitlement, Deferred Action entitlement, Covered Discretionary Stay entitlement, work authorization, or any right to remain.

27A (5). Home entry rule; warrant requirement; consent; exigent circumstances.

(a) General rule. Absent consent or exigent circumstances consistent with the Constitution, a designated federal officer may not enter a dwelling to arrest or detain a person under this Act without a judicial warrant authorizing entry.

- (b) Consent. Consent may authorize entry only if voluntarily given. Entry obtained by coercion, misrepresentation of authority, or other unlawful means is not authorized.
- (c) Exigent circumstances and hot pursuit. Nothing in this section prohibits entry into a dwelling where entry is permitted under the Constitution due to exigent circumstances, including hot pursuit of a fleeing person, imminent threat to life, or imminent destruction of evidence, as recognized by applicable law.
- (d) Rule of construction. This subsection does not create new dwelling-entry authority; it codifies a constitutional limitation for clarity.

27A (6). Relationship to Section 27 verification contexts; purpose limitation.

- (a) Purpose limitation. Any immigration-status verification query, including any biometric query, conducted under this Act shall be used only to determine immigration-status compliance under this Act and shall not be used for unrelated investigations except where independently authorized by law outside this Act.
- (b) Authorized contexts. Biometric verification and related database queries remain limited to the contexts authorized in Section 27(9) and, where applicable, the public-space biometric compliance pilot in Section 27(10). Questioning authority under Section 27A(2) does not expand or modify the biometric verification and database-query context limitations in Section 27.
- (c) No suspicion less street detention. Nothing in this section authorizes suspicionless detention or seizure in public spaces; all detention must be justified under the Constitution and applicable law.

27A (7). Audit logging; record integrity; disclosure limits.

- (a) Audit logging required. All queries, verifications, data accesses, notices served, custody decisions, releases, and transfers under this section shall be audit-logged under Section 3, including user identity, time, purpose code, and records accessed.
- (b) Retention. Audit logs shall be retained for at least ten (10) years.
- (c) Minimum necessary indicators. Officers shall access only minimum necessary indicators as defined by regulation under Section 3.

27A (8). Misuse penalties; official malfeasance; suppression of unlawful access.

- (a) Misuse. Any federal employee, contractor, or agent who knowingly accesses, uses, discloses, or permits access outside authorized duties under this Act, including misuse of queries or misuse of biometric systems, shall be subject to immediate termination of access privileges, mandatory removal from any FSMA-connected position, and referral for criminal investigation under applicable law.
- (b) Official malfeasance. Knowing misuse constitutes official malfeasance under this Act.
- (c) No benefit from misuse. Information obtained through knowing misuse may not be used to create immigration benefits, and any purported discretionary benefit issued in reliance on knowing misuse is void under this Act.

27A (9). Rule of construction.

- (a) No entitlement. Nothing in this section creates any right to admission, parole, Deferred Action, Covered Discretionary Stay, work authorization, or continued presence.
- (b) Constitutional compliance. This section shall be construed consistent with the Constitution of

the United States and applicable Supreme Court precedent.

(c) Integration. This section operates alongside Sections 3, 10A, 15, 16, 17, 17A, 27, 30, 35, 36, 37, and 40.

Section 28. Visitor Conduct Covenant; Public-Order Compliance; Visitor Account and Digital Credential; Notice and Adjudication Using Section 17 Ladder.

28(1). Purpose.

This section establishes an enforceable conduct covenant for all Visitors admitted under this Act, a default FSMA Visitor Account and digital credential to support communication and compliance, and a fast, fair status consequence process under the adjudication ladder of this Act.

28(2). Applicability (Visitors only).

This section applies to:

- (a) Visitor—Leisure and Personal (Visitor—L); and
- (b) Visitor—Business and Official (Visitor—B).

This section does not apply to Academic Guests, Migrant TT, Migrant WP, Harvest Migrants, or Protected Migrants, which are governed by their respective sections.

28(2A). Visitor electronic account and digital credential (default); optional physical card (fee-based).

- (a) FSMA Visitor Account. Each Visitor admitted under this Act shall have an FSMA Visitor Account created or activated at admission, linked to verified passport identity and biometric verification collected at entry.
- (b) Digital credential by default. FSMA shall issue a digital Visitor credential associated with the Visitor Account, accessible through the FSMA portal, containing at minimum:
 - (1) Visitor name;
 - (2) passport issuing country;
 - (3) an FSMA unique identifier;
 - (4) status category (Visitor—Leisure and Personal or Visitor—Business and Official);
 - (5) “Not authorized to work in the United States”;
 - (6) the authorized period of admission and expiration date; and
 - (7) links or references to the official FSMA compliance portal described in Section 23.
- (c) Optional physical card. FSMA may offer an optional physical Visitor card upon request, issued at a Port of Entry or through a process defined by regulation, for a fee sufficient to cover production and administration. The physical card shall contain the minimum fields in subsection (b) and shall be marked “Not authorized to work in the United States.”
- (d) Credential purpose. The Visitor Account and Visitor credentials exist for identity confirmation, communication, and compliance under this Act, including updating the registered email address and receiving valid service of notices.

28(2B). Pre-arrival enrollment (Identify Me program).

- (a) Pre-arrival completion. FSMA shall provide a voluntary pre-arrival enrollment process allowing prospective Visitors to create and pre-verify a Visitor Account prior to travel, including submission of required identity information and registration of a valid email address.
- (b) Expedited inspection. Upon arrival, a pre-enrolled Visitor may be verified through passport and biometric match and processed more efficiently, subject to security screening and officer discretion.
- (c) No entitlement. Participation in pre-arrival enrollment creates no entitlement to admission and does not limit the authority of the United States to deny entry.

28(2C). Registered email; update duty; email-only service validity (Visitors as guests).

- (a) Registered email required. A Visitor shall provide a registered email address to FSMA at entry or within a period prescribed by regulation, and shall maintain an active registered email during the Visitor's authorized stay.
- (b) Duty to update. Any change to the registered email address must be reported to FSMA within five (5) business days of the change.
- (c) Service validity (email-only). Service to the most recent registered email address on file constitutes valid service for all notices under this section, and failure to update bars any claim that notice was not received.
- (d) Portal posting backup. FSMA may also post notices to the Visitor's secure electronic file; such posting does not replace valid email service but may be used as additional evidence of notice.
- (e) Invalid email consequence. If the Visitor's registered email is undeliverable due to failure to maintain or update, the Visitor is deemed to have waived notice-based objections under this section.

28(3). Visitor Conduct Covenant (condition of stay; no immunity).

- (a) All Visitors are present in the United States under a revocable covenant of peaceful conduct and lawful compliance.
- (b) This covenant governs only the privilege to remain in the United States under Visitor status and does not provide immunity from federal, state, county, or municipal criminal prosecution.
- (c) Nothing in this section restricts lawful peaceful speech or lawful peaceful assembly; enforcement is based on unlawful conduct.

28(4). Status-terminating prohibited conduct (preponderance standard).

A Visitor is subject to status termination and removal if, by a preponderance of the evidence, the Visitor commits, attempts, conspires, or materially assists any of the following:

- (a) arson;
- (b) assault or battery;
- (c) riot, unlawful assembly, or incitement of riot;
- (d) vandalism or felony-level property destruction;
- (e) looting, burglary, or theft during a declared civil disorder or while a lawful dispersal order is in effect;
- (f) obstruction of law enforcement by violence or coordinated interference;
- (g) use or possession of incendiary devices or weapons in violation of law; or
- (h) any felony offense.

28(5). Initiation pathways (arrest/charge or evidence-based initiation without arrest).

(a) A Visitor status-termination process may be initiated based on arrest-and-charge.

(b) A Visitor status-termination process may also be initiated without arrest or charge if FSMA possesses authenticated video, photographic, or documentary evidence of a covered act and can identify the Visitor through biometric match or other reliable method defined by regulation.

28(6). Notice, response, and administrative determination (email service; timelines).

(a) Notice of Proposed Status Revocation and Removal. FSMA shall serve a Notice of Proposed Status Revocation and Removal stating allegations and a summary of evidence to the registered email address.

(b) Response period. The Visitor shall have twenty-one (21) days from valid email service to submit a written response and supporting materials.

(c) Determination timeline. The FSMA administrator shall issue a written determination within thirty (30) days after service of the Notice, subject to one good-cause extension of up to seven (7) days by regulation.

28(7). Appeals and tier triggers (Section 17 ladder applied).

(a) Tier 2 appeal. A Visitor may appeal an adverse administrative determination to a Field Magistrate within fourteen (14) days after service of the determination.

(b) Tier 2 scope. The Field Magistrate shall review whether the administrative determination is supported by the preponderance standard and whether required procedures were followed.

(c) Finality when affirmed. If the Field Magistrate affirms the administrative determination, the decision is final for purposes of this section, subject only to the narrow Article III review lane in Section 17(6).

(d) Mandatory Tier 3 review when reversed. If the Field Magistrate reverses the administrative determination, the case shall proceed to mandatory internal review by a Three-Judge Review Panel as required by Section 17.

(e) No further escalation unless triggered. Tier 4 review occurs only when triggered under Section 17.

28(8). Removal timeline and enforcement (7-day departure rule; reentry bar).

(a) Final Notice of Removal. Upon final affirmation of removability, FSMA shall issue a Final Notice of Removal.

(b) Voluntary departure window. The Visitor shall depart within seven (7) days of valid service of the Final Notice of Removal.

(c) Failure to depart. If the Visitor fails to depart within seven (7) days, a Civil Removal Warrant may be issued pursuant to Section 27 and the Visitor may be detained and removed.

(d) Reentry bar. Removal under this section results in a five (5) year reentry bar, and a ten (10) year bar where the underlying conduct includes arson, assault with injury, use of an incendiary device, or felony-level property destruction.

28(9). Purpose limitation; immigration-only verification; audit logging.

All identity verification and database checks used for enforcement under this section shall be conducted under the purpose limitations, audit logging, and misuse penalties established in Section 27 and Section 3.

28(10). Rule of construction (Visitors).

Any requirement in this Act that a person maintain a registered physical address shall not apply to Visitors unless expressly stated; Visitors are subject to registered email requirements and service rules as specified in this section.

28(11). Visa Waiver Program reciprocal fine requirement.

(a) Condition of continued participation. Any country participating in the Visa Waiver Program must, as a condition of continued participation, enact and enforce a civil fine equivalent to two thousand five hundred dollars (\$2,500) (Consumer Price Index-adjusted) against any of its citizens who, after return, is verified by FSMA to have overstayed the authorized admission period in the United States.

(b) Proof and notice. FSMA shall provide verified overstay notice to the Department of State for transmission to the foreign government.

(c) Reentry bar. Any Visa Waiver Program overstay results in a five (5) year bar on reentry.

(d) Suspension remedy. If a Visa Waiver Program country fails to enforce subsection (a), the Secretary of State shall suspend that country from the program.

Section 29. Academic Guest Operations; Work Limits; Sensitive Research Restrictions; Sponsor Duties; Cross-References.

29(1). Purpose.

This section governs Academic Guests (students), establishes school sponsor obligations, restricts access to sensitive research for designated high-risk foreign nationals, and sets clear work limitations, while relying on Section 6 for conduct enforcement, bond procedures, and adjudication.

29(2). Definition; Academic Guest status.

(a) An Academic Guest is a non-citizen admitted to the United States primarily for full-time study at an accredited educational institution.

(b) Academic Guest status is temporary and does not count toward the ten (10) year Probationary Migrant TT period unless the Academic Guest converts to Migrant TT status under the Student Bridge provisions governed by Section 6; conversion to Migrant WP status does not create any time credit toward the Migrant TT 10+10 framework unless and until the individual is re-designated as Migrant TT under standards prescribed by regulation.

29(3). Work limits (no general off-campus labor).

(a) Academic Guests are not authorized for general off-campus employment.

(b) Academic Guests may engage in limited on-campus employment consistent with the primary purpose of study, under limits defined by regulation.

(c) Any unauthorized employment is a status violation and is subject to administrative action and removal pursuant to Section 6 and the adjudication ladder in Section 17.

29(4). Sensitive research restrictions (Designated Strategic Adversaries).

(a) The Secretary of State, in coordination with the Department of Defense and the Department of Justice, shall maintain a list of Designated Strategic Adversaries for purposes of academic and research access controls.

(b) An Academic Guest holding a passport from a Designated Strategic Adversary may not access Sensitive Research facilities or projects, including advanced artificial intelligence, quantum computing, nuclear engineering, advanced robotics, and aerospace defense research, as defined by regulation.

(c) Institutional liability. Any institution that knowingly grants access in violation of this subsection shall lose eligibility for federal research grants for a period defined by regulation, and may be subject to additional penalties as provided by regulation.

(d) This subsection does not prohibit Academic Guests from attending ordinary coursework or non-sensitive research programs, provided access controls are complied with.

29(5). Sponsor duties (school obligations).

(a) Sponsor status. The accredited educational institution is the sponsor of the Academic Guest for purposes of status maintenance and compliance coordination.

(b) Contact maintenance. The sponsor shall maintain current contact information for the Academic Guest as known to the sponsor, including current email address and current physical address (if any) while enrolled.

(c) Enrollment status reporting. The sponsor shall notify FSMA within five (5) business days if the Academic Guest is no longer enrolled, is expelled, withdraws, falls out of good standing, or otherwise ceases to meet the sponsor's enrollment conditions.

(d) Notice forwarding. When the sponsor receives an FSMA notice addressed to an Academic Guest, the sponsor shall promptly forward it to the Academic Guest using the contact information on record and shall confirm forwarding through a method prescribed by regulation.

(e) Cooperation duty. The sponsor shall cooperate with verification and compliance inquiries necessary to administer this Act.

29(6). Bond requirement (cross-reference).

Academic Guest repatriation/removal surety bond requirements, including timing, posting methods, and consequences of noncompliance, are governed by Section 6 and Section 12 (as applicable).

29(7). Conduct covenant and unlawful conduct procedures (cross-reference).

Academic Guests are subject to the student conduct covenant, unlawful conduct triggers, evidence standards, notice and service rules, and the administrative-to-magistrate review process established in Section 6 and the adjudication ladder in Section 17.

29(8). Post-graduation conversion and Student Bridge (cross-reference).

Academic Guest conversion to Migrant TT status or Migrant WP status, including pre-graduation petitioning, contingent approval, and activation upon graduation, is governed by Section 6.

29(9). Sponsor penalty for non-reporting (hard).

If a sponsor institution fails to report loss of enrollment or expulsion within the required

timeframe and the Academic Guest remains unlawfully present beyond the authorized period; the institution is liable for a civil penalty per day of non-reporting as set by regulation (Consumer Price Index-adjusted) and may be suspended from sponsorship eligibility.

Section 30. Registration Compliance Enforcement; Objective Triggers; Notice; Administrative Determination.

30(1). Purpose.

This section establishes objective, verifiable noncompliance triggers for persons required to register under Section 24 and for persons holding status under this Act, and provides a fast notice-and-determination process governed by the adjudication ladder in Section 17.

30(2). Objective noncompliance triggers (clear trigger; clear deadline; clear consequence).

- (a) Registration deadline failure. Any person required to register under Section 24 who fails to submit a registration within the two-year registration window is in violation of this Act and is removable.
- (b) Account establishment failure. Any person whose registration is accepted but who fails to establish required financial instruments within the deadline required by Section 24 is in violation of this Act and is removable.
- (c) Funding failure. Any person who establishes required financial instruments but fails to make required progress and achieve compliance within the funding grace period and any permitted extension under Section 24 is in violation of this Act and is removable.
- (d) Solvency maintenance failure. Any person under this Act who fails to maintain required catastrophic health coverage, required bond or deposit coverage (where applicable), or required account compliance as established by this Act is in violation of this Act and is removable.
- (e) Contact maintenance failure. Any person under this Act who fails to maintain required registered contact information as required by this Act, or who fails to update required contact information within required deadlines, is in violation of this Act and is removable, subject to the service-validity rules of this Act.
- (f) Other objective triggers. Any failure to complete a renewal, check-in, re-registration, biometric re-verification, or other mandatory compliance action explicitly required by this Act by a stated deadline is an objective noncompliance violation and is removable.
- (g) No discretionary waiver. No officer or employee may waive the objective triggers in this subsection except as expressly authorized by this Act.

30(3). Notice of Proposed Noncompliance Determination and Removal; service validity.

- (a) Notice required. Before issuance of a final noncompliance determination under this section, FSMA shall serve a Notice of Proposed Noncompliance Determination and Removal stating:
 - (1) the trigger(s) alleged under subsection 30(2);
 - (2) the objective basis for each trigger, including dates and required actions; and
 - (3) the response deadline under subsection 30(4).
- (b) Service methods. FSMA shall serve notice by delivery to the most recent registered physical address and registered email address on file, if available, and may also serve notice by personal

service during any lawful encounter, booking, or in-person registration/compliance appointment.

(c) Valid service. Service to the most recent registered physical address and registered email address on file constitutes valid service. Failure to maintain or update registered contact information as required bars a claim that notice was not received.

30(4). Response; proof limits; deadlines.

(a) Response period. The respondent shall have twenty-one (21) days from valid service to submit a written response and supporting materials.

(b) Permitted response content. A response under this section is limited to:

(1) proof of compliance;

(2) proof of timely filing;

(3) proof of a qualifying exception expressly stated in this Act; or

(4) an operational error claim eligible for error-correction under Section 17(10).

(c) One extension. FSMA may grant one (1) extension of up to seven (7) days upon a showing of good cause.

30(5). Tier 1 determination; internal review option.

(a) Initial determination. An FSMA Administrative Compliance Officer shall issue a written determination no later than thirty (30) days after valid service of the Notice, or thirty-seven (37) days if an extension under subsection 30(4)(c) is granted.

(b) Internal review (optional). The respondent may request internal review by a different, senior Administrative Compliance Officer within fourteen (14) days after service of the initial determination. Internal review is limited to whether the objective trigger was correctly applied and whether the record shows compliance or an eligible operational error claim under Section 17(10). The reviewing officer shall issue a written decision within twenty-one (21) days after the request is filed.

30(6). Appeal; finality; stays (cross-reference).

(a) Appeal to Field Magistrate. A respondent may appeal an adverse decision under subsection 30(5) to a Field Magistrate within fourteen (14) days after service of the last administrative decision.

(b) Tier and finality rules. Appeals, escalation triggers, stays, error-correction petitions, anti-clogging rules, and finality are governed by Section 17.

30(7). Removal timeline after final determination.

(a) Final Notice of Removal. Upon final affirmance of removability under this section, FSMA shall issue a Final Notice of Removal.

(b) Departure window. The respondent shall depart within seven (7) days of valid service of the Final Notice of Removal unless a longer period is expressly provided elsewhere in this Act for the specific category.

(c) Failure to depart. If the respondent fails to depart within the required period, a Civil Removal Warrant may issue pursuant to Section 27 and the respondent may be detained and removed.

30(8). Post-finality absconder rule.

If a respondent is subject to a final, enforceable removal determination under this Act and fails to depart within the required departure window, the respondent is an absconder and is eligible for

custody for removal execution pursuant to a Civil Removal Warrant under Section 27, subject to custody review and detention-limit compliance under Sections 15(7) and 36.

Section 31. Legacy Visa Class Disposition; Conversion Schedule; No Parallel Systems.

31(1). Purpose.

This section terminates the operation of legacy nonimmigrant visa classifications as independent legal pathways to presence and work in the United States; converts legacy classifications into the unified status system of this Act through a conversion schedule; prevents agencies from operating parallel or substitute immigration status systems inconsistent with this Act; and establishes transition mechanics for persons currently present under legacy classifications.

31(2). General rule—exclusive status system.

(a) Exclusive taxonomy. Effective on the operative date established by Section 24, the only lawful federal immigration-status categories for non-citizens admitted or present in the United States (other than United States citizens) shall be the categories created and defined by this Act, including: Visitor—Leisure and Personal (Visitor—L); Visitor—Business and Official (Visitor—B); Academic Guest; Migrant TT; Migrant WP; Harvest Migrant; and Protected Migrant, plus NRPD as a non-status deferral mechanism under Section 18.

(b) No independent legacy pathways. No legacy nonimmigrant classification, program label, or historical visa category shall operate as an independent legal basis for admission, work authorization, extension, change of status, or continued presence except as expressly converted or preserved in this section.

31(3). Schedule A—Nonimmigrant classification conversion (legacy to Act categories).

(a) Adoption by schedule. Legacy nonimmigrant classifications are hereby converted for all federal purposes under this Act into the corresponding Act category listed in Schedule A.

(b) Functional conversion rule. A person admitted or present under a legacy classification shall be treated, for purposes of rights, duties, restrictions, reporting, solvency, and enforcement, as holding the corresponding Act category as of the applicable conversion moment under subsection 31(4).

(c) No labor-market expansion by conversion. Conversion under this section does not expand labor-market access beyond what this Act authorizes for the corresponding Act category.

31(3A). Schedule A (Nonimmigrant conversion list).

For purposes of this Act, legacy nonimmigrant classifications are converted as follows, regardless of historical visa letter or label:

(a) Tourism and personal travel classifications are converted to Visitor—Leisure and Personal (Visitor—L).

(b) Business, official mission, and comparable short-term non-labor-market classifications are converted to Visitor—Business and Official (Visitor—B), provided nothing in this Act alters privileges and immunities applicable under the Constitution, federal law, or treaties.

- (c) Full-time study classifications and comparable education-based classifications are converted to Academic Guest.
- (d) Seasonal agricultural labor classifications are converted to Harvest Migrant.
- (e) Work-authorizing nonimmigrant classifications that place a non-citizen into the domestic labor market—including temporary labor, professional labor, treaty-based work, intracompany transfer, extraordinary-ability, athletic/entertainment, cultural-worker, and religious-worker classifications—are converted to Migrant WP.
- (f) Temporary protection, humanitarian custodianship, or analogous temporary protected presence classifications are converted to Protected Migrant, unless a separate conversion rule is expressly provided elsewhere in this Act.

31(3B). Completeness rule for Schedule A.

- (a) Capture clause. Schedule A applies to all nonimmigrant classifications recognized under federal immigration law as of the effective date of this section, whether designated by letter, number, treaty, regulation, guidance, or program name, including any subcategory, subtype, or country-specific variant.
- (b) No unlisted carve-outs. A classification that fits within a functional category described in subsection 31(3A) is converted accordingly even if not separately named.

31(3C). Illustrative legacy classification conversions (non-exhaustive).

For avoidance of doubt, and solely as examples of how Schedule A is intended to operate, legacy nonimmigrant classifications commonly known as: specialty occupation worker; seasonal agricultural worker; seasonal non-agricultural worker; intracompany transferee; treaty trader/investor; United States–Mexico–Canada Agreement professional; extraordinary ability; athlete/entertainer; cultural worker; and religious worker, are converted under this section into Act categories as follows: seasonal agricultural worker to Harvest Migrant; and each of the others to Migrant WP, subject to all requirements of this Act including Sections 12, 13, 14, and 32.

31(4). Transition mechanics; conversion moment; continuity.

- (a) Persons outside the United States. On and after the effective date of this section, admissions may be issued only under Act categories; legacy visa labels may be used for travel-document formatting during a transition period prescribed by regulation, but such labels shall have no independent legal effect and shall be deemed an Act-category admission as defined in this Act.
- (b) Persons inside the United States. Any person lawfully present in the United States under a legacy nonimmigrant classification on the effective date of this section shall be deemed converted to the corresponding Act category on that date for administration and enforcement purposes.
- (c) Expiration and renewal. A converted person shall comply with all renewal, reporting, solvency, bond, insurance, and contact-update duties applicable to the corresponding Act category.
- (d) No “change of status” under legacy law. After the effective date of this section, no change-of-status, extension, or conversion shall be adjudicated under legacy classification rules; all such actions shall be governed exclusively by this Act.

31(4A). Carve-out for persons already in the lawful permanent residency pipeline (no new entries).

(a) Scope. This subsection applies only to persons who, as of the date of enactment, are lawfully present in the United States and have:

- (1) a pending application for adjustment of status under prior law; or
- (2) an approved immigrant petition under prior law with a pending adjustment application filed within a period defined by regulation.

(b) No penalty for time-in-process. Persons described in subsection (a) shall not be penalized solely by virtue of having relied on prior-law processing timelines.

(c) No expansion; no new pipeline. No new applications described in subsection (a) may be filed after the date of enactment except as expressly authorized by this Act.

(d) Conforming compliance. Persons described in subsection (a) remain subject to this Act's identity, passport maintenance, Values Contract, and solvency requirements as applicable, and remain subject to enforcement under this Act for criminal conduct and fraud.

31(4B). Conversion compliance grace period (set-up window; hard deadline; progress extension).

(a) Grace period established. A person converted inside the United States under subsection 31(4)(b) shall have a conversion compliance grace period to complete any newly required administrative steps under this Act that were not required under the legacy classification.

(b) Account and registration set-up deadline. Within ninety (90) days of the conversion moment, the person shall:

- (1) establish any required FSMA account or profile;
- (2) register required contact information; and

(3) establish any required bond or deposit instrument applicable to the person's Act category.

(c) Funding grace for required accounts. Where the person's Act category requires account funding under this Act, the person shall have six (6) months after completion of subsection (b) to achieve required funding compliance, and FSMA may grant one (1) extension of up to six (6) additional months upon documented progress as defined by regulation.

(d) Enforcement after grace. Failure to complete subsection (b) or (c) by the applicable deadlines constitutes objective noncompliance under Section 30.

31(5). Work authorization by Act category only.

(a) Exclusive work authorization. No person may work in the United States unless the person holds an Act category that authorizes work and remains compliant with this Act.

(b) Elimination of incidental work authorization rules. Any rule, policy, or practice under which dependents or spouses obtain work authorization incident to a legacy status is terminated as an independent basis for work authorization, and any such authorization shall exist only if expressly authorized by this Act for the corresponding Act category.

31(6). No parallel systems; anti-circumvention.

(a) No substitute programs. No officer, employee, agency, contractor, or agent of the United States may create or operate an alternative pathway, parole-style substitute, Deferred Action or Covered Discretionary Stay class program, discretionary class program, mass waiver program, or substitute classification that circumvents the conversion, termination, or restriction effects of this section, except as expressly authorized by this Act.

(b) Invalidity. Any purported status, designation, document, or program created in violation of subsection (a) is void for purposes of lawful presence and work authorization under this Act.

31(7). Rule of construction; cross-references.

(a) Visitors and Academic Guests. Visitor and Academic Guest operational rules remain governed by Section 6 and applicable notice and service rules in this Act.

(b) Harvest Migrants. Harvest Migrant rules remain governed by Section 11.

(c) Financial and solvency duties. Financial sovereignty duties remain governed by Section 12 and related sections.

(d) Employer compliance. Employer compliance and verification remain governed by Sections 13 and 14.

(e) Criminal and security triggers. Criminal and national security removal triggers remain governed by Sections 15 and 16.

(f) Adjudication and finality. Appeals, stays, error-correction, and finality remain governed by Section 17.

31(8). Enforcement.

(a) Any person who claims lawful presence or work authorization based solely on a legacy classification after the effective date of this section, without compliance with the corresponding Act category requirements, is out of compliance under this Act and is subject to the enforcement and adjudication procedures of this Act.

(b) Any employer who relies on legacy classification labels as a substitute for Act-category verification is subject to employer enforcement under this Act.

31(9). Severability (Section 31).

If any provision of this section, or the application of any provision of this section to any person or circumstance, is held invalid, the remainder of this section and the remainder of this Act shall not be affected.

31(10). Elimination of parole-based, Deferred Action-based, and Covered Discretionary Stay-based work authorization for converted classes.

No person converted under this section may receive work authorization by parole, Deferred Action, Covered Discretionary Stay, deferred action by any other label, or program label inconsistent with Act-category work rules; any such authorization is void for purposes of lawful work under this Act.

Section 32. Hire Americans First; Mandatory Job Advertising; Continuing-Need Re-Advertising; Universal

Employer Labor Tariff; Wage Integrity; Misclassification Closure; Repeat-Offender Bars.

32(1). Purpose.

This section establishes a uniform Hire Americans First recruitment requirement and a universal employer labor tariff applicable to all non-citizens admitted for employment under this Act, including Migrant WP and Harvest Migrants, to preserve domestic labor preference, prevent wage suppression, and ensure the system remains taxpayer-neutral and enforcement-ready.

32(2). Applicability (all work admissions).

(a) This section applies to any employer seeking to employ, sponsor, or hire a non-citizen for compensated labor in the United States under this Act, including:

- (1) Migrant WP; and
- (2) Harvest Migrants.

(b) This section does not apply to Visitors or Academic Guests except to the extent an Academic Guest converts to Migrant TT status or Migrant WP status pursuant to Section 6.

32(3). Hire Americans First prerequisite (advertise-before-hire; recruitment record).

(a) Condition precedent. No employer may hire, employ, or sponsor a Migrant WP or Harvest Migrant unless the employer has first completed a Hire Americans First recruitment process prescribed by FSMA.

(b) Minimum advertising requirements. The employer shall advertise the position in a manner prescribed by FSMA, which shall include at minimum:

- (1) public posting in a national electronic registry administered or designated by FSMA;
- (2) posting duration and content standards prescribed under subsection 32(3B); and
- (3) wage, hours, location, essential duties, and minimum qualifications stated in plain terms.

(c) Recruitment record duty. The employer shall maintain recruitment records in a format prescribed by FSMA, including postings, applicant counts, interview notes, and nonselection reasons.

(d) Good-faith hiring obligation (qualified and competent workers). The employer shall interview and give good-faith consideration to qualified United States workers who apply; “qualified” means meeting the stated minimum requirements and demonstrating competency to perform the essential duties of the position as documented in the recruitment record.

32(3A). Wage integrity rule (no “lowball” postings; prevailing-rate floor).

(a) Required wage floor. An employer’s advertised wage and offered wage for a position used to sponsor, hire, or employ a Migrant WP or Harvest Migrant must be not less than the applicable wage floor prescribed by regulation, which shall be based on objective wage data and designed to prevent artificial underpayment intended to deter United States workers.

(b) Anti-evasion. FSMA shall prescribe by regulation anti-evasion rules preventing employers from shifting compensation into non-wage forms or suppressing hours to evade wage-floor requirements.

32(3B). Posting duration, content standards, and Under Secretary authority; published rationale.

(a) Default posting duration. Unless otherwise provided by regulation under subsection (b), the

minimum posting duration for Hire Americans First recruitment is twenty-one (21) calendar days.

(b) Under Secretary authority to vary. The Under Secretary may by regulation establish different posting durations or content standards by region, industry, seasonality, or job classification, provided that no posting duration may be less than fourteen (14) calendar days.

(c) Published rationale requirement. Any regulation under subsection (b) must include an explanation of the operational rationale and the labor-market basis for the rule and shall be published in the Federal Register and on FSMA's official public channels.

32(3C). Competency, safety, and job-fit evaluation; documentation; verification.

(a) Competency requirement. Hire Americans First does not require an employer to hire an applicant who cannot perform the essential duties of the job safely and competently.

(b) Rejection documentation. For each United States applicant not selected, the employer shall record a plain-language reason tied to job requirements or demonstrated inability to perform essential duties.

(c) Cultural-fit claims limited. If an employer cites workplace culture as a reason for nonselection, the employer must describe the relevant job-related culture requirements in advance in the posting and must document the basis for concluding the applicant could not meet those requirements.

(d) Auditability. FSMA shall establish audit triggers and verification methods for recruitment integrity and shall treat sham recruiting or false nonselection reasons as an enforcement matter under Section 14.

32(4). Continuing-need re-advertising (two-year re-check; no permanent substitution).

(a) Re-advertising trigger. If a Migrant WP remains employed by the same employer (or a successor entity) in the same position classification for twenty-four (24) months after the initial start date, the employer shall re-advertise the position under subsection 32(3) and re-run the Hire Americans First recruitment process.

(b) Cycle repeats. If the Migrant WP remains employed for an additional twenty-four (24) months, the employer shall again re-advertise and re-run recruitment, and shall continue doing so every twenty-four (24) months for as long as the foreign worker remains in the position classification.

(c) Effect of qualified United States applicants. If qualified United States applicants apply and are available, the employer shall:

- (1) hire a qualified United States applicant for the position; and
- (2) end sponsorship/employment of the Migrant WP in that position classification within a transition period prescribed by regulation.

32(4A). Exceptional necessity waiver (narrow; verified; no category waiver).

(a) Waiver authority. FSMA may grant a waiver from the advertising and recruitment requirements of subsection 32(3) for a specific position and a specific individual if FSMA determines, under standards defined by regulation, that the individual is an exceptional necessity to the United States.

(b) Standard. A waiver may be granted only upon verified evidence that:

- (1) the individual possesses extraordinary or uniquely scarce capability materially necessary for national security, industrial security, or other designated strategic capacity; and

- (2) the role is not reasonably fillable by a qualified United States worker at the wage floor required by subsection 32(3A).
- (c) No general waiver. A waiver under this subsection is individual-specific and role-specific and may not be used as a blanket waiver for a category, employer, or occupation.
- (d) Transparency. FSMA shall publish quarterly anonymized counts and categories of waivers sufficient to deter silent class-waivers.

32(4B). Entrepreneur-employer pathway (foreign entrepreneurs hiring Americans).

- (a) Eligibility. A foreign entrepreneur may seek admission under this Act for the purpose of operating an enterprise in the United States only if the enterprise demonstrates, under standards defined by regulation:
 - (1) a defined product or service and documented business plan;
 - (2) verified investment and ongoing operations;
 - (3) verified employment of United States workers in meaningful numbers and/or meaningful payroll share as defined by regulation; and
 - (4) compliance with wage integrity under subsection 32(3A).
- (b) Exclusion of household staffing. Employment of household staff does not qualify.
- (c) Recertification every two (2) years. Continued authorization requires recertification through FSMA.
- (d) Track selection. An entrepreneur admitted under this subsection may elect to be treated as a Migrant TT under Section 7 or remain under renewable work authorization by regulation, without creating any entitlement to citizenship beyond what this Act otherwise provides.

32(4D). Sensitive project continuity waiver (six-month increments; maximum two years).

- (a) Waiver authority. FSMA may grant a time-limited waiver delaying the re-advertising and transition requirements in subsection 32(4) where the employer demonstrates that the Migrant WP is in the middle of a project that is sensitive and not reasonably transferable without material risk to the project's integrity.
- (b) Term and renewals. A waiver may be granted for up to six (6) months at a time and may be renewed no more than four (4) times.
- (c) Required showing. Each request must include a project description, why transfer is not feasible within normal transition time, and a documented transition plan.
- (d) No waiver of tariff or compliance. A waiver does not waive the employer labor tariff, wage integrity rules, or any other compliance duty.

32(5). Seasonal cycle rule (Harvest Migrants; re-advertise every season).

- (a) Seasonal recruitment required. For each Harvest Migrant season and for each harvest worksite or materially distinct role classification, the employer shall complete Hire Americans First recruitment under subsection 32(3).
- (b) No multi-season blanket approval. A prior season's recruitment does not satisfy the requirement for a subsequent season unless FSMA by regulation authorizes a narrow carry-forward based on verified shortage metrics and published criteria.

32(5A). Certified Harvest Workforce Coordinator option.

- (a) FSMA may certify an entity as a Harvest Workforce Coordinator to conduct seasonal recruitment, maintain an eligible worker roster, and dispatch workers under a standardized

process.

- (b) Recruitment duty. A certified Harvest Workforce Coordinator shall conduct Hire Americans First recruitment sufficient to supply participating employers.
- (c) Dispatch order. Dispatch shall prioritize available and willing United States workers first.
- (d) Employer election. A Harvest employer may elect to satisfy subsection 32(5) by using a certified coordinator.
- (e) Optionality. Nothing requires use of a coordinator.

32(5B). Joint accountability (coordinator + employer; no finger-pointing).

- (a) Joint and several liability. A Harvest Workforce Coordinator and the participating employer are jointly and severally liable for compliance with recruitment record integrity and tariff remittance duties applicable to work placed through the coordinator.
- (b) Employer duty retained. Use of a coordinator does not remove the employer's duties to verify work authorization, pay the labor tariff, and maintain truthful worksite records.
- (c) Coordinator duty retained. The coordinator remains liable for recruitment fraud, roster fraud, and dispatch manipulation.

32(6). Universal employer labor tariff (all work admissions; employer-paid; no pass-through).

- (a) Labor tariff imposed. For each Migrant WP or Harvest Migrant employed, the employer shall pay a labor tariff equal to ten percent (10%) of the worker's gross wages (or other gross compensation as defined by regulation) for the period of employment.
- (b) Employer-paid; no pass-through. The labor tariff is paid in addition to wages and may not be deducted from, offset against, clawed back from, or otherwise charged to the worker directly or indirectly.
- (c) Deposit destination. Labor tariff receipts shall be remitted to FSMA for deposit into the Federal Solvency Reserve (FSR).
- (d) Remittance schedule. The employer shall remit the labor tariff on the same cadence as payroll tax remittances and in no event less frequently than monthly, using electronic methods prescribed by FSMA.
- (e) Trust treatment; non-diversion. Amounts due under this subsection are held in trust for the United States and may not be delayed, retained, or commingled for operating use beyond the permitted remittance cadence.
- (f) Compensation base (anti-gaming). FSMA shall define gross compensation to prevent avoidance through reclassification, third-party payments, deferred compensation, or related-party arrangements.

32(7). Misclassification and subcontracting closure (American wage protection).

- (a) Coverage. Any compensated labor performed in the United States by a Migrant WP or Harvest Migrant is covered employment for purposes of this Act regardless of label (employee, contractor, consultant, gig, 1099, or other).
- (b) Joint employer liability. Where labor is supplied through staffing firms, subcontractors, franchise structures, or labor brokers, the host employer and the supplier are jointly and severally liable for wage-floor compliance, verification compliance, and tariff remittance.
- (c) No laundering. No employer may avoid compliance by routing payment through third parties or classifying workers as independent contractors.

32(8). Employer certification; verification lock; hiring suspension.

(a) Certification required. Before a Migrant WP or Harvest Migrant may begin work, the employer shall certify through the FSMA system:

(1) Hire Americans First recruitment completion under subsection 32(3) (or an authorized waiver under subsection 32(4A)); and

(2) labor tariff remittance readiness under subsection 32(6).

(b) Verification lock. FSMA shall flag any employer with delinquent labor tariff remittances or missing recruitment records as noncompliant, and such employer shall be locked out of employment verification access and sponsorship actions under this Act until cured.

(c) Suspension. FSMA shall suspend the employer's eligibility to hire Migrant WP and Harvest Migrants for noncompliance, subject to the tiered enforcement structure in Section 14.

32(9). Enforcement; penalties; fraud escalation; worker protection.

(a) Noncompliance. Failure to complete recruitment, failure to re-advertise when required, failure to remit the labor tariff, any attempt to pass the tariff to the worker, any wage integrity violation under subsection 32(3A), or any recruitment fraud under subsection 32(3C) constitutes an employer violation.

(b) Tier escalation. Willful evasion, concealment, sham recruiting, double books, or structured avoidance constitutes Tier 3 systemic fraud under Section 14.

(c) Worker protection. A worker shall not be deemed out of status solely because an employer fails to remit the labor tariff or falsifies recruitment, provided the worker is otherwise compliant; enforcement shall target the employer and responsible corporate officers.

32(10). FSMA Employer Compliance Assistance Office (practical support; not discretionary relief).

(a) Establishment. FSMA shall maintain an Employer Compliance Assistance Office to provide guidance, training, and technical assistance to employers and certified coordinators regarding compliance with this Act.

(b) No waiver authority. Assistance under this subsection does not create waiver authority and does not excuse noncompliance.

(c) Public availability. FSMA shall publish standardized guides and compliance checklists through the civic information service required by Section 23.

32(11). Hard annual cap on Migrant WP admissions by default.

(a) Default. The annual maximum number of new Migrant WP admissions is zero (0) unless the Under Secretary affirmatively publishes a positive cap under Section 34 and certifies that the unemployment trigger is satisfied, enforcement capacity is adequate, and housing and infrastructure strain metrics are within limits defined by regulation.

(b) No entitlement. No petition, recruitment effort, or fee payment creates entitlement to issuance of a Migrant WP admission.

32(12). Willful wage-floor violations treated as systemic fraud.

(a) Any willful violation of the wage floor required by subsection 32(3A), including use of sham job classifications, off-the-books payments, kickbacks, or structured deductions to evade wage floors, constitutes Tier 3 systemic fraud under Section 14.

(b) FSMA shall treat patterns of underpayment as presumptive wage-suppression conduct, subject to rebuttal by the employer with verifiable payroll records.

32(13). Repeat wage-suppression bar.

An employer that receives two (2) final findings of willful wage-floor violation within five (5) years shall be barred from hiring or sponsoring Migrant WP and Harvest Migrants for not less than ten (10) years, in addition to any other penalties.

Section 33. Educate Americans First; Academic Guest Tuition Premium; School Accountability; Academic Guest Admission Cap.

33(1). Purpose.

This section establishes an Educate Americans First premium on Academic Guest tuition and mandatory fees to reflect scarcity of educational seats, deter admissions not in the national interest, and ensure sponsor accountability.

33(2). Academic Guest tuition premium (institution-paid; no pass-through).

(a) Premium imposed. For each Academic Guest enrolled at a sponsor institution, the sponsor institution shall pay a premium equal to ten percent (10%) of the Academic Guest's gross tuition and mandatory fees assessed by the institution for that academic term or period, as defined by regulation.

(b) Scholarships and discounts included. "Gross tuition and mandatory fees assessed" means the full billed amount before institutional scholarships, grants, discounts, waivers, or third-party payments are applied.

(c) Deposit destination. Premium receipts shall be remitted to FSMA for deposit into the Federal Solvency Reserve (FSR).

(d) Timing. Remittance shall occur on a schedule prescribed by FSMA and in no event later than thirty (30) days after the institution's tuition payment deadline for the term.

(e) No pass-through (direct or indirect). The institution may not directly or indirectly impose the premium as a separate line-item charge, surcharge, offset, or differential pricing mechanism applied to Academic Guests for the purpose of recovering the premium.

33(3). Sponsor verification and accountability.

(a) Verification duty. The sponsor institution shall verify through the FSMA portal:

(1) Academic Guest bond activation under Section 6; and

(2) premium remittance compliance under subsection 33(2).

(b) Sponsor noncompliance. Failure to remit premiums constitutes sponsor noncompliance and may result in sponsor sanctions, including loss of eligibility to sponsor Academic Guests for a period defined by regulation.

33(4). Academic Guest admissions cap (default zero unless affirmatively opened).

(a) Default. The annual maximum number of new Academic Guest admissions is zero (0) unless

the Under Secretary affirmatively publishes a positive cap by regulation for the coming fiscal year.

(b) No entitlement. No applicant or institution has entitlement to admission.

33(5). Rule of construction.

Nothing in this section expands work authorization for Academic Guests or alters Section 6 work limits and conversion rules.

Section 34. Labor Market Gate; 4% Unemployment Trigger; Annual Intake Caps; Anti-Manipulation; Congress-Only Expansion.

34(1). Purpose.

This section establishes a labor-market gate and annual intake controls for work-based admissions under this Act, ensuring admissions are geared toward the needs of the United States and its citizens and preventing manipulation of labor statistics.

34(2). Labor-market gate (4% rule; work admissions).

(a) General rule. FSMA may not issue any new Migrant TT admissions, any new Migrant WP admissions, or any new Harvest Migrant admissions while the unemployment trigger in subsection 34(3) is not satisfied, except as expressly authorized under subsection 34(7).

(b) No entitlement. Satisfaction of the unemployment trigger does not create any entitlement to admission.

34(3). Unemployment trigger definition (metric lock; source lock).

(a) Metric. The unemployment trigger is satisfied only when the Bureau of Labor Statistics published national unemployment rate (seasonally adjusted), commonly known as the U-3 rate, is below four percent (4.0%).

(b) Time window. The trigger requires the most recent three (3) consecutive published monthly readings to each be below 4.0%.

(c) Source lock. FSMA and all agencies shall use only the Bureau of Labor Statistics series specified in subsection (a) for determining this trigger.

34(4). Annual intake caps even when the trigger is satisfied (default cap zero).

(a) Cap required. Even when the unemployment trigger is satisfied, FSMA may admit only up to the annual maximum number of admissions published under subsection (b).

(b) Under Secretary publication (TT, WP, Harvest). The Under Secretary, acting through FSMA, shall publish annually the maximum number of admissions available in the coming fiscal year for:

(1) Migrant TT admissions;

(2) Migrant WP admissions; and

(3) Harvest Migrant admissions.

(c) Default. Each published maximum is zero (0) unless the Under Secretary affirmatively sets a

positive number in writing for that category.

(d) Needs-of-the-United-States standard. Caps shall be based on the needs of the United States and its citizens, including labor demand indicators, wage protection, housing and infrastructure strain, public resource constraints, and enforcement capacity, using metrics defined by regulation.

(e) Rationale required. The annual publication shall include a written explanation of how each cap was determined.

34(5). Interaction with category-specific admissions systems.

(a) Migrant TT admissions occur through Section 22, subject to this section.

(b) Migrant WP admissions occur through employer processes and verification under Sections 13, 14, and 32, subject to this section.

(c) Harvest Migrant admissions occur through Section 11 and employer requirements in Section 32, subject to this section.

34(6). Anti-manipulation protections (methodology-change lock; independent verification).

(a) If the Bureau of Labor Statistics materially changes the methodology of the unemployment series used in subsection 34(3), FSMA shall continue using the closest comparable series as determined by the Government Accountability Office and suspend issuance of new Migrant TT, Migrant WP, and Harvest Migrant admissions until FSMA publishes, with Government Accountability Office concurrence, the mapping method and comparability explanation.

(b) Anti-interference. It shall be unlawful for any federal officer, employee, contractor, or agent to knowingly obstruct, pressure, or falsify the production, publication, or interpretation of the unemployment series for purposes of altering admissions under this Act.

(c) Enforcement. A knowing violation constitutes official malfeasance and is grounds for removal and referral for investigation where applicable.

34(7). Narrow exceptions to the labor-market gate.

(a) National security / industrial security. The President may authorize individual, enumerated admissions notwithstanding subsections 34(2)–(4) only upon a written finding that each admission is necessary for national security or industrial security, with a written recommendation jointly executed by:

- (1) the Under Secretary;
- (2) the Attorney General; and
- (3) the Secretary of State.

(b) Family unity carve-out preserved. Nothing in this section limits the spouse and minor-child exception expressly provided elsewhere in this Act.

(c) No class admissions. This authority may not be used to admit broad classes of persons by category, nationality, generalized condition, or program label.

34(8). Congress-only expansion mid-year.

No regulation, guidance, settlement agreement, consent decree, executive action, or administrative practice may expand admissions beyond published caps or open a closed category mid-year; only an Act of Congress may increase a cap or open a category mid-year.

34(9). Rule of construction.

This section governs only work-based admissions and does not itself create any entitlement to admission or renewal.

Section 35. Prohibition on Mass Parole Programs; Case-by-Case Record Requirement; No Work Authorization by Parole; Closure of Deferred Action and Covered Discretionary Stay Loopholes.

35(1). Purpose.

This section prohibits the use of parole as a substitute immigration program, eliminates mass parole programs, and prohibits class-based Deferred Action and Covered Discretionary Stay programs as subversion pathways.

35(2). Prohibition on mass parole programs.

No officer, employee, or agency of the United States may create, operate, fund, continue, or renew any mass parole program, as defined in Section 2(16), for entry into or continued presence in the United States.

35(3). Case-by-case parole only; written record; short duration.

Any parole granted under any parole authority must be:

- (a) truly individualized;
- (b) supported by a written record stating the specific urgent humanitarian reason or significant public benefit;
- (c) limited to the shortest period necessary, not to exceed ninety (90) days absent renewed individualized findings; and
- (d) recorded in the individual's FSMA file with audit logging.

35(4). No work authorization by parole.

Parole does not authorize employment and may not be used as a predicate for employment authorization, Social Security work authorization, or any program-label work permit unless an Act of Congress expressly provides otherwise.

35(5). Voidness and enforcement (parole).

Any parole program, document, or authorization issued in violation of this section is void for purposes of lawful presence and lawful work under this Act, and the recipient is removable under this Act upon final determination.

35(6). Rule of construction.

Nothing in this section limits individualized parole for a specific person where necessary for a discrete operational need, provided the written record requirement is satisfied and the parole is not used to create settlement-by-delay.

35(7). Prohibition on class-based Deferred Action and Covered Discretionary Stay programs.

(a) No officer, employee, or agency of the United States may create, operate, fund, continue, or renew any class-based Deferred Action program or Covered Discretionary Stay program.

(b) Any discretionary non-enforcement decision must be individualized, supported by a written record in the person's FSMA file, and may not be used to create settlement-by-delay.

35(8). No work authorization by Deferred Action or Covered Discretionary Stay.

Deferred Action and any Covered Discretionary Stay do not authorize employment and may not be used as a predicate for employment authorization, Social Security work authorization, or any program-label work permit unless an Act of Congress expressly provides otherwise.

35(9). Voidness (Deferred Action and Covered Discretionary Stay).

Any Deferred Action program, Covered Discretionary Stay program, document, or authorization issued in violation of this section is void for purposes of lawful presence and lawful work under this Act.

Section 36. Detention and Release Controls; No Mass Release; No NGO-Run Placement as Substitute Custody; Detention-Limit Compliance; Periodic Custody Review.

36(1). Purpose.

This section prevents "mass catch-and-release," prevents outsourcing custody and placement decisions to private entities, and requires detention and release practices to comply with constitutional limits.

36(2). No mass release policy.

No agency may implement any policy that results in categorical or class-based release of non-citizens pending proceedings based on capacity constraints alone; release decisions must be individualized, documented, and consistent with this Act.

36(3). Custody decisions are governmental; no NGO custody substitute.

Placement with, transport by, housing by, or supervision by a non-governmental organization does not constitute lawful federal custody and may not be used to satisfy any custody requirement or to substitute for lawful custody determinations under this Act.

36(4). Funding bar (spending restriction).

No federal funds may be used to contract with, grant to, or otherwise finance any non-governmental organization for mass transportation, mass housing, mass placement, or mass case-management of non-citizens absent an Act of Congress expressly authorizing such program and expressly appropriating funds for it.

36(5). Detention-limit compliance clause (post-finality custody).

Civil custody for removal execution under this Act, including custody under Section 15(7) and

Section 27(11), shall be administered consistent with constitutional limits and applicable Supreme Court precedent governing post-order detention reasonableness and foreseeability of removal; nothing in this Act authorizes indefinite detention.

36(6). Least restrictive lawful alternative where removal not reasonably foreseeable. Where removal is not reasonably foreseeable, FSMA shall apply the least restrictive lawful alternative consistent with ensuring appearance and removal execution, as prescribed by regulation, and shall maintain audit-logged custody determinations.

36(7). Periodic custody review (mandatory; written; audit-logged).

- (a) For any person held in civil custody for removal execution after finality, FSMA shall conduct a custody review at least once every thirty (30) days.
- (b) Each review shall be documented in writing, audit-logged, and shall address: (1) likelihood of removal in the reasonably foreseeable future; (2) identity verification status; (3) third-country feasibility; (4) flight risk and danger indicators; and (5) whether a less restrictive alternative can ensure appearance and removal execution.
- (c) FSMA shall prescribe standardized custody review forms and purpose codes for audit logging.

36(8). Removal-period coordination.

FSMA shall administer post-finality custody and removal execution consistent with constitutional limits and the removal-period framework in federal law as amended by this Act; nothing in this Act authorizes detention beyond those limits.

Section 36A. Removal Execution; Country Selection; Third-Country Removal; Travel Documents; Removal Clock; NRPD Interaction.

36A(1). Purpose and scope.

This section establishes the controlling framework for executing civil removal under this Act, including destination selection, third-country removal procedures, travel-document procurement, and removal execution timelines. It is intended to ensure that removal orders are executable in practice, that NRPD does not become a de facto settlement pathway, and that FSMA can reliably complete removals while operating within constitutional detention limits and the custody review requirements of this Act.

36A(2). Removal destination selection hierarchy (default order).

- (a) General rule. FSMA shall designate a removal destination in the final removal record using the hierarchy in subsection (b), consistent with this Act and subject to NRPD restrictions.
- (b) Hierarchy. FSMA shall pursue removal in the following order, to the maximum extent practicable:

(1) Country of nationality. The person's country of nationality as verified by passport or other reliable identity record.

- (2) Country of last habitual residence. If nationality cannot be reliably determined or the person is stateless, the country of last habitual residence as verified by reliable indicators.
- (3) Last transit country. The last transit country through which the person traveled immediately prior to unlawful entry or attempted unlawful entry into the United States, where lawful acceptance is feasible.
- (4) Any lawful receiving third country. Any other country willing to accept the person, consistent with applicable law and diplomatic arrangements.
- (c) No right to choose destination. Nothing in this section creates a right for a respondent to select or veto a lawful destination except as provided by NRPD to bar removal to a specific country where torture is more likely than not.

36A(3). NRPD interaction; destination substitution; third-country duty.

- (a) NRPD limits removal only to a specified country. If NRPD is granted as to a specific country, removal to that country is barred. NRPD does not bar removal to any other lawful destination.
- (b) Third-country pursuit required. Upon NRPD grant, FSMA shall promptly pursue removal to an alternative lawful destination consistent with subsection 36A(2).
- (c) No admission or status by NRPD. NRPD remains a deferral-only mechanism under Section 18 and does not create lawful status, parole entitlement, Deferred Action entitlement, Covered Discretionary Stay entitlement, or work authorization.

36A(4). Travel document procurement; respondent cooperation duty; consequences.

- (a) FSMA travel document authority. FSMA, in coordination with the Department of State, shall pursue necessary travel documents for removal execution, including liaison with foreign governments for passport issuance, laissez-passer documents, or other travel instruments.
- (b) Respondent cooperation duty. Any person subject to a final removal determination shall cooperate in good faith with removal execution, including by providing accurate identity information, presenting or surrendering travel documents, and completing reasonable travel-document steps.
- (c) Non-cooperation consequences. Failure to cooperate constitutes a status violation and an enforcement aggravator and may be treated as:
 - (1) a custody factor supporting continued detention or tighter supervision consistent with Sections 15(7), 17A, and 36; and
 - (2) a civil penalty collectible under this Act as prescribed by regulation.
- (d) No indefinite detention. Non-cooperation does not authorize indefinite detention; custody remains governed by constitutional limits and the custody review requirements of this Act.

36A(5). Removal execution period; custody and reporting during execution.

- (a) Removal execution period. After a removal determination becomes final and enforceable under this Act, FSMA shall execute removal as soon as practicable.
- (b) Custody for execution. FSMA may maintain civil custody for removal execution consistent with Sections 15(7) and 36, and shall conduct periodic custody reviews as required by Section 36.
- (c) Least restrictive alternative when removal is not reasonably foreseeable. Where removal is not reasonably foreseeable, FSMA shall apply the least restrictive lawful alternative consistent with ensuring appearance and removal execution, as prescribed by regulation and as required by Section 36.

(d) Reporting conditions. If released under least restrictive alternatives, the person shall comply with reporting, address/email maintenance, and biometric check-in conditions prescribed by regulation; failure constitutes noncompliance and may trigger absconder designation and civil removal warrant custody.

36A(6). Absconder execution and civil removal warrants.

(a) Absconder status. A person subject to a final removal determination who fails to depart within the required departure period, fails to appear when lawfully ordered to appear after valid service, or is otherwise determined by FSMA by a preponderance of the evidence to have absconded is an absconder.

(b) Civil Removal Warrant. For an absconder, FSMA may seek and execute a Civil Removal Warrant pursuant to Section 27 for custody for removal execution.

(c) Priority processing. Absconder cases shall receive priority scheduling and operational execution to prevent settlement-by-delay.

36A(7). Biometric exit confirmation; record closure; permanent identity linkage.

(a) Exit confirmation required. FSMA shall verify removal execution through biometric exit records or other verified exit methods prescribed by regulation.

(b) Record closure. Upon verified exit, FSMA shall close the removal execution record and maintain the removal history as a permanent identity-linked record in FSMA systems.

(c) Reentry bars and penalties preserved. Reentry bars and penalties under this Act attach to the identity record and remain enforceable unless modified by Act of Congress.

36A(8). Rule of construction.

(a) No entitlement. Nothing in this section creates a right to admission, parole, Deferred Action, Covered Discretionary Stay, work authorization, or continued presence.

(b) Constitutional compliance. This section shall be construed consistent with the Constitution of the United States and applicable Supreme Court precedent.

(c) Integration. This section operates alongside Sections 10A, 15, 16, 17, 17A, 18, 27, 30, 35, 36, 37, and 40.

Section 36B. Reinstatement and Repeat-Entrant Summary Removal; Identity-Match Finality; NRPD-Only Screen; No Relief Stacking.

36B(1). Purpose and scope.

This section establishes a fast, enforceable repeat-entrant and prior-order reinstatement mechanism under this Act. It is intended to prevent repeat unlawful entry from forcing full proceedings repeatedly, to preserve enforcement capacity, and to make the system resistant to identity manipulation and settlement-by-delay.

36B(2). Trigger: prior final removal record + unlawful re-encounter.

FSMA may initiate reinstatement and repeat-entrant summary removal under this section where

FSMA determines, by a preponderance of the evidence, that:

- (a) the person is the same individual previously removed or subject to a final, enforceable removal order under this Act, as established by biometric match or other reliable identity method defined by regulation; and
- (b) the person is encountered again:
 - (1) after Entry Without Inspection (EWI) or attempted unlawful entry; or
 - (2) after violating a reentry bar imposed under this Act; or
 - (3) while unlawfully present and not admitted under any Act category.

36B(3). Procedure: Notice of Reinstatement and Repeat-Entrant Removal (NRR).

(a) Notice required. FSMA shall serve a written Notice of Reinstatement and Repeat-Entrant Removal (NRR) stating:

- (1) the prior removal record identifier;
- (2) the identity match basis;
- (3) the current encounter basis;
- (4) the proposed removal destination; and
- (5) the NRPD-only screening notice under subsection 36B(5).

(b) Service. Service shall be affected by personal service where practicable and by registered email where available; service shall be recorded in FSMA audit logs.

(c) No merits relitigation. The NRR process is limited to identity verification, prior-order linkage, and execution logistics; no merits relitigation of the prior removal basis is permitted.

36B(4). Limited challenge lane: identity mismatch and objective system error only.

(a) Identity-only challenge. A respondent may challenge an NRR only on the grounds of:

- (1) mistaken identity (biometric mismatch or identity-record mismatch); or
- (2) objective system error eligible for correction under Section 17(10).

(b) Deadline. The challenge must be filed on a short deadline prescribed by regulation consistent with rapid enforcement.

(c) Decision. FSMA shall decide the identity-only challenge on an expedited timeline; Field Magistrate review, if permitted, shall be limited to identity mismatch or objective system error.

(d) No automatic stay. Filing does not automatically stay removal; a stay may be granted only under the limited stay standards in Section 17.

36B(5). NRPD-only screen for repeat-entrant removals.

(a) NRPD preserved. A respondent subject to NRR may request NRPD only under Section 18, and only as to the specific proposed removal destination.

(b) No other relief. No asylum, refugee, withholding, parole-based, Deferred Action-based, Covered Discretionary Stay-based, or other discretionary relief may be asserted to block reinstatement or repeat-entrant removal under this section.

(c) Expedited NRPD processing. NRPD requests under this section shall be processed on expedited deadlines, and if NRPD is granted as to a specific country, FSMA shall pursue removal to an alternative lawful destination under Section 36A.

No interim or pendency-based work authorization may be issued incident to an NRPD request or NRPD adjudication under this section absent an Act of Congress expressly providing otherwise.

36B(6). Execution; custody; absconder status.

(a) Execution. Upon confirmation of identity and completion of any NRPD-only screen, FSMA shall execute removal as soon as practicable under Section 36A.

(b) Custody. FSMA may take civil custody for execution consistent with Sections 15(7), 17A, and 36.

(c) Absconder. Failure to comply with removal execution results in absconder designation and permits Civil Removal Warrant custody under Section 27.

36B(7). Rule of construction.

Nothing in this section creates a right to admission, parole, Deferred Action, Covered Discretionary Stay, work authorization, or continued presence.

Section 37. Border Encounter Processing Rule; Offshore Processing Preference; Rapid Return Authority; No Status by Delay; Minors Cross-Reference.

37(1). Purpose.

This section reduces incentives to cross unlawfully by requiring rapid disposition, emphasizing offshore processing where permitted, and preventing settlement-by-delay.

37(2). Offshore processing preference.

To the maximum extent practicable, any NRPD screening permitted by Section 18(12)–18(13) shall be conducted outside the United States at locations designated by the Secretary of State.

37(3). Rapid return authority (subject to NRPD torture bar).

FSMA and designated border components shall return unlawful entrants to the last transit country or country of nationality as soon as practicable, except where Section 18(12)–18(13) prohibits removal to that specific country.

37(4). No status creation by processing delay.

No delay in processing, capacity constraint, administrative backlog, missed internal deadline, or resource limitation creates any lawful status, work authorization, parole entitlement, Deferred Action entitlement, Covered Discretionary Stay entitlement, or entitlement to release.

37(5). Minors and family units.

Processing, care, and custody rules for Accompanied Minors and Unaccompanied Children encountered in border operations shall be governed by Section 24(9) and the statutory replacement enacted in Section 40 Schedule 40-A(6); nothing in this section creates any additional rights or pathways by virtue of minor status.

37(6). Rule of control; Section 10A governs border processing.

All border inspection, border custody, summary removal, and NRPD-only screening procedures at or near the external boundary of the United States are governed by Section 10A. This section

states general policy and authority and does not create a separate or parallel border-processing track.

Section 38. Federal Benefits and Eligibility Firewall; No Eligibility by Presence; Federal Credential Integrity; Education Neutrality.

38(1). Purpose.

This section ensures unlawful presence and prohibited discretionary labels cannot be used to access federally controlled benefits or credentials, while avoiding the creation of education-access disputes within this Act.

38(2). No eligibility by unlawful presence or void discretionary labels.

A person who is unlawfully present, or present under any parole program, Deferred Action program, Covered Discretionary Stay program, or other discretionary label void under this Act, is ineligible for any federally controlled public benefit, federal contract, or federal license except:

- (a) emergency medical care required by federal law; and
- (b) any benefit or service the Constitution of the United States requires to be provided regardless of immigration status.

38(3). Education neutrality; no K–12 payment gate created by this Act.

Nothing in this Act creates a tuition tariff, payment condition, or enrollment gate for access to K–12 public education. Nothing in this Act shall be construed to require a State or local education agency to verify federal immigration status as a condition of K–12 enrollment.

38(4). Federal credential integrity.

No federal agency may treat any State or local identification credential as proof of lawful federal immigration status; only FSMA-issued status documentation qualifies as proof of lawful status under this Act.

Section 39. Mandatory National Verification System Replacement Timeline; Single Verification System; No Parallel Systems; No Discretionary Work Permits.

39(1). Purpose.

This section hard-replaces legacy employment verification fragmentation with a single national FSMA Verification System and prevents discretionary work-permit workarounds.

39(2). Replacement and national mandate.

Within the implementation timeline in Section 24, the FSMA Verification System shall replace legacy federal work verification systems for all employers nationwide for purposes of compliance with this Act.

39(3). No parallel systems.

No agency may operate a parallel employment eligibility verification system inconsistent with FSMA protocols for purposes of compliance with this Act.

39(4). Access lock enforcement.

FSMA shall lock out employers from verification access where the employer lacks required certification under Section 13 or is delinquent in required tariff remittance under Section 32.

39(5). No discretionary employment authorization outside Act categories.

No officer, employee, or agency may issue employment authorization incident to parole, Deferred Action, Covered Discretionary Stay, prosecutorial discretion, or any program label not expressly authorized as an Act category under this Act, unless an Act of Congress expressly provides otherwise.

Section 40. Repeals; Conforming Amendments; Statutory Integration; Replacement Schedules; Consent Decree Litigation Directive; Savings Clauses; Severability.

40(1). Purpose.

This section provides explicit statutory repeals and conforming amendments so that this Act operates as the controlling federal immigration administration framework, reduces ambiguity, and minimizes implementation challenges based on conflict-of-law claims.

40(2). Conforming amendments schedule (controlling; operative date).

(a) On the operative date established by Section 24, the provisions listed in Schedule 40-A are amended or repealed as stated in Schedule 40-A.

(b) To the extent of any conflict between this Act and a provision not listed in Schedule 40-A, this Act controls by operation of Section 4(1), and the Under Secretary shall submit additional technical corrections to Congress.

40(3). Schedule 40-A (Conforming Amendments and Repeals).

Schedule 40-A is hereby enacted as follows:

SCHEDULE 40-A(1) Parole—8 U.S.C. § 1182(d)(5).

Section 212(d)(5) of the Immigration and Nationality Act (8 U.S.C. § 1182(d)(5)) is amended to incorporate Section 35 of this Act, including: the case-by-case requirement; written individualized record requirement; ninety (90) day limit absent renewed individualized findings;

prohibition on mass parole programs; and prohibition on work authorization by parole absent an Act of Congress.

SCHEDULE 40-A(2) Asylum—8 U.S.C. § 1158.

Section 208 of the Immigration and Nationality Act (8 U.S.C. § 1158) is repealed effective on the operative date, and no asylum grant may be issued for determinations on and after that date.

SCHEDULE 40-A(3) Refugee admissions—8 U.S.C. § 1157 and refugee adjustment—8 U.S.C. § 1159.

(a) 8 U.S.C. § 1157 is amended such that the default annual refugee admissions number is zero (0) unless Congress enacts a positive number by Act of Congress for that fiscal year.

(b) 8 U.S.C. § 1159 is repealed effective on the operative date, and no adjustment pathway based on refugee admission remains operative absent express authorization in this Act.

SCHEDULE 40-A(4) Withholding of removal—8 U.S.C. § 1231(b)(3).

8 U.S.C. § 1231(b)(3) is repealed effective on the operative date. The only mandatory non-removal protection preserved under federal law after the operative date is NRPD under Section 18(12)–18(16) of this Act.

SCHEDULE 40-A(5) Judicial Review—Amendment of 8 U.S.C. § 1252 for determinations under this Act.

8 U.S.C. § 1252 is amended to provide that, for determinations under the American Sovereignty, Security, and Migration Act of 2026:

(a) the exclusive petition-for-review mechanism is Section 17(6) of that Act, with venue in the United States Court of Appeals for the District of Columbia Circuit, and with grounds limited to those enumerated in Section 17(6)(e);

(b) the filing deadline is thirty (30) days;

(c) no other petition-for-review venue or merits review procedure applies; and

(d) the custody-only habeas carveout in Section 17(6A) is preserved.

SCHEDULE 40-A(6) Unaccompanied Children and Minors Framework—Replacement of 8 U.S.C. § 1232.

(a) Repeal and replacement. 8 U.S.C. § 1232 is hereby repealed effective on the operative date established by Section 24, and is replaced by the following new section, to be codified at 8 U.S.C. § 1232:

“§ 1232. Minors and Unaccompanied Children in Immigration Processing (FSMA Framework).

(1) Definitions. Terms used in this section have the meanings provided in the American Sovereignty, Security, and Migration Act of 2026, including ‘Child/Minor,’ ‘Unaccompanied Child,’ and ‘Accompanied Minor.’

(2) Federal custody and care responsibility. FSMA is the controlling federal authority for immigration-related processing, custody determinations, and placement decisions for minors encountered in connection with immigration enforcement, subject to child-safety standards prescribed by regulation.

(3) No status or benefit by presence. No minor’s presence creates lawful status, parole entitlement, Deferred Action entitlement, Covered Discretionary Stay entitlement, work

authorization, or eligibility for federal benefits for any minor or any adult.

(4) Unaccompanied Children—identity verification and placement.

(A) FSMA shall verify identity and nationality by methods appropriate to minors.

(B) FSMA shall place an Unaccompanied Child only in federally controlled care settings meeting child-safety standards.

(C) FSMA may place an Unaccompanied Child with a sponsor adult only if FSMA verifies that the sponsor adult: (i) is a lawful parent or lawful legal guardian (or other adult permitted by regulation solely for exceptional child-safety necessity); (ii) is lawfully present; (iii) is biometrically registered; (iv) provides a registered physical address and registered email; and (v) agrees to supervision and appearance requirements.

(D) No placement may be used to facilitate unlawful adult presence, to create settlement-by-delay, or to create access to benefits or work authorization for any sponsor adult.

(E) Any knowing false statement by a sponsor adult in a placement process constitutes fraud and triggers civil penalties and referral for prosecution.

(5) Accompanied Minors. FSMA shall process Accompanied Minors as part of the accompanying adult's case under the American Sovereignty, Security, and Migration Act of 2026, subject to child-safety standards for housing and transport.

(6) No NGO custody substitution. Placement, supervision, transport, or housing by a non-governmental organization does not constitute federal custody and may not substitute for federal custody decisions.

(7) No categorical release. No policy may provide categorical release of minors or family units based solely on capacity constraints; decisions must be individualized and documented.

(8) Priority proceedings. Cases involving minors shall receive priority scheduling under the adjudication ladder established by the American Sovereignty, Security, and Migration Act of 2026.

(9) NRPD limitation. Nothing in this section authorizes removal to a country barred by a Non-Removal Protection Determination under the American Sovereignty, Security, and Migration Act of 2026; otherwise, FSMA shall pursue repatriation or lawful third-country transfer where feasible.

(10) Regulations. FSMA shall promulgate implementing regulations consistent with this section.”

(b) Preemption of inconsistent procedures. On and after the operative date, no federal agency may implement any minor custody, placement, or release procedure inconsistent with new 8 U.S.C. § 1232 as enacted herein.

SCHEDULE 40-A(7) Employment authorization by discretion; Deferred Action and Covered Discretionary Stay conformity.

All provisions of law and regulation authorizing employment incident to parole, Deferred Action, Covered Discretionary Stay, deferred enforced departure, prosecutorial discretion, or similar discretionary labels are repealed or rendered inoperative to the extent inconsistent with Sections 31, 35, 39, and the work-authorization structure of this Act; work authorization exists only under Act-category authorization as provided herein, unless an Act of Congress expressly provides otherwise.

SCHEDULE 40-A(8) Pre-Finality Custody and Release—Replacement of 8 U.S.C. § 1226.

(a) Repeal and replacement. 8 U.S.C. § 1226 is hereby repealed effective on the operative date established by Section 24, and is replaced by the following new section, to be codified at 8 U.S.C. § 1226:

“§ 1226. Pre-Finality Custody; Arrest Authority; Detention and Release Standards; Bond and Supervision; Custody Review; No Mass Release.

(1) Purpose and scope. This section establishes the controlling framework for civil custody, detention, and conditional release of non-citizens pending adjudication and finality under the American Sovereignty, Security, and Migration Act of 2026. It is intended to: (A) provide the Federal Sovereignty and Migrant Authority (FSMA) and designated federal immigration enforcement officers the tools necessary to identify, arrest, and detain persons who are out of compliance under that Act; (B) prevent mass release policies; (C) preserve constitutional limits on detention; and (D) provide clear, auditable standards for detention and conditional release prior to finality. This section applies to any non-citizen taken into civil custody or otherwise subject to detention or conditional release pending a final determination under that Act.

(2) Authority to arrest and take into civil custody (pre-finality).

(A) Designated officers. FSMA may designate and coordinate federal officers authorized to conduct immigration enforcement functions under the American Sovereignty, Security, and Migration Act of 2026, including Immigration and Customs Enforcement officers and U.S. Customs and Border Protection officers acting under FSMA operational coordination, to take persons into civil custody pursuant to that Act.

(B) Custody standard. A designated officer may arrest and take into civil custody a non-citizen where the officer has probable cause to believe that the person—

- (i) is unlawfully present or otherwise out of compliance under that Act;
- (ii) is subject to a final order or Summary Removal Order under that Act;
- (iii) has committed an objective noncompliance trigger under that Act;
- (iv) has committed a status-terminating violation under that Act; or
- (v) is otherwise subject to civil removal processing under that Act.

(C) Warranted or warrantless arrest. Arrest and custody may be executed pursuant to a judicial warrant, a Civil Removal Warrant under that Act, or a warrantless arrest authority preserved and implemented under that Act for immigration enforcement, subject to constitutional limits and any additional requirements prescribed by regulation consistent with that Act.

(D) Prompt examination and initiation. A person taken into civil custody under this section shall, without unnecessary delay, be processed for identity verification, status verification, and initiation of the applicable enforcement or adjudication pathway under that Act, including service of required notices.

(3) Default custody rule; individualized release gate.

(A) Default custody. Pending adjudication and finality, FSMA may maintain a non-citizen in civil custody where necessary to ensure: (i) appearance for proceedings; (ii) execution of removal; (iii) public safety; (iv) prevention of fraud or identity evasion; or (v) integrity of the enforcement process.

(B) Release is not presumed. No non-citizen has a right to release pending proceedings under that Act. Release is a discretionary decision of FSMA subject to the strict requirements of this

section and the anti-workaround provisions of that Act.

(C) Individualized release gate. FSMA may authorize conditional release only upon a written, audit-logged determination that—

- (i) identity is verified by biometrics and minimum necessary indicators;
- (ii) the person is not within a mandatory detention category under paragraph (4);
- (iii) the person does not present a danger indicator as defined by regulation;
- (iv) the person does not present an abscond risk as defined by regulation;
- (v) release will not defeat prompt completion of proceedings and execution of any removal order; and
- (vi) enforceable supervision conditions under paragraph (6) are established prior to release.

(4) Mandatory detention categories (pre-finality). FSMA shall maintain a person in civil custody pending adjudication and finality if FSMA determines, by a preponderance of the evidence based on minimum necessary indicators, that the person meets any of the following:

(A) National security and prohibited organization. The person is subject to a national security action under that Act or is flagged by minimum necessary indicators as an active member of a prohibited criminal organization, or is under final or pending determination for such status-terminating conduct.

(B) Serious criminal conduct. The person has a felony conviction, a felony-equivalent theft determination under that Act, a serious misdemeanor conviction as defined by that Act, or is charged under that Act with conduct involving violence, arson, assault with injury, riot-related property destruction, burglary, or weapons use in violation of law.

(C) Identity fraud or material misrepresentation. The person has committed fraud or material misrepresentation in identity, documentation, or status filings, or refuses biometrics or identity verification required by that Act.

(D) Prior removal and unlawful reentry. The person has a verified prior final removal order and is encountered again in unlawful status or is subject to reinstatement or repeat-entrant processing under that Act.

(E) Absconder or failure to appear. The person has failed to appear when lawfully ordered to appear after valid service under that Act, has violated reporting conditions, or is otherwise determined by FSMA to have absconded.

(F) Other mandatory categories by statute. Any additional mandatory detention category expressly established elsewhere in that Act.

(5) Discretionary detention factors (flight risk, danger, and process integrity). For persons not subject to mandatory detention under paragraph (4), FSMA shall determine whether detention is necessary using written, auditable factors prescribed by regulation, which shall include at minimum: (A) strength of identity verification and document reliability; (B) history of compliance or noncompliance with reporting and contact obligations; (C) prior immigration violations including overstay, prior removals, or prior fraud; (D) community ties and verified address stability (if any); (E) criminal history indicators and warrants, where lawfully available as minimum necessary indicators; and (F) any evidence of coordination, smuggling facilitation, or organized fraud relevant to the person's case.

(6) Conditional release alternatives; bond and supervision; no work authorization.

(A) Authorized alternatives. If FSMA authorizes conditional release, FSMA may impose any

combination of conditions prescribed by regulation and necessary to ensure appearance and removal execution, including: reporting; electronic check-ins; registered address/email maintenance; geographic restrictions; travel document cooperation duties; electronic monitoring where lawful; and other supervision terms consistent with that Act.

(B) Bond and surety conditions. FSMA may require a separate civil appearance bond or surety as a condition of release, in addition to any surety or deposit obligations applicable under that Act, provided that: (i) such bond is not treated as a payment for status; (ii) forfeiture is permitted upon failure to appear, absconding, or material violation of conditions; and (iii) bond mechanics are prescribed by regulation with audit logging.

(C) No work authorization by release. Conditional release under this section does not authorize employment and does not create lawful status. No officer or agency may issue employment authorization incident to conditional release unless an Act of Congress expressly provides otherwise.

(D) No parole or deferred action substitution. Conditional release may not be implemented through parole, deferred action, or comparable discretionary labels as substitutes for this section's conditions and controls.

(7) Custody review cadence (pre-finality).

(A) Mandatory periodic review. For any person held in civil custody pending adjudication and finality, FSMA shall conduct a custody review at least once every thirty (30) days.

(B) Written, audit-logged record. Each review shall be documented in writing and audit-logged and shall address: identity verification completeness; current grounds for mandatory detention (if any); flight risk and danger indicators; expected timeline to next adjudication step; whether less restrictive alternatives can ensure appearance and removal execution; and operational barriers to adjudication or removal execution.

(C) No release by delay. Missed internal timelines or operational delays do not create entitlement to release; remedies are internal reassignment, surge staffing, and processing prioritization as authorized by that Act.

(8) Interaction with post-finality custody. This section governs custody and release prior to final enforceable removal determinations. Once a removal determination becomes final, custody and detention limits are governed by the post-finality custody provisions of that Act.

(9) Rule of construction; constitutional limits; no indefinite detention.

(A) Constitutional limits preserved. Nothing in this section authorizes detention beyond constitutional limits.

(B) No indefinite detention. FSMA shall administer custody consistent with applicable Supreme Court precedent and the detention-limit compliance requirements of that Act.

(C) No entitlement. Nothing in this section creates a right to admission, lawful status, employment authorization, or continued presence.”

(b) Preemption of inconsistent procedures. On and after the operative date, no federal agency may implement any pre-finality immigration custody, release, or bond procedure inconsistent with new 8 U.S.C. § 1226 as enacted herein.

SCHEDULE 40-A(9) Initiation of Proceedings—Replacement of 8 U.S.C. § 1229.

(a) Repeal and replacement. 8 U.S.C. § 1229 is hereby repealed effective on the operative date established by Section 24, and is replaced by the following new section, to be codified at 8 U.S.C. § 1229:

“§ 1229. FSMA Notice of Charges; Commencement of Proceedings; Service; In absentia; Rescission Limits; Burden Rules.

(1) Purpose and scope. This section establishes the controlling charging document and commencement mechanism for civil immigration-status determinations and removal actions under the American Sovereignty, Security, and Migration Act of 2026. It is intended to replace legacy notice-to-appear mechanics with an Act-native process built around registered contact information, valid service rules, and the adjudication ladder under that Act, while preventing delay-by-litigation, notice gamesmanship, and settlement-by-delay. This section applies to any civil determination or enforcement action under that Act that may result in denial of status, revocation of status, civil removal, or other status consequences.

(2) FSMA Notice of Charges (NOC) required; contents.

(A) Required instrument. Except where a Summary Removal Order is issued and executed under that Act, FSMA shall initiate proceedings by serving a written FSMA Notice of Charges (NOC).

(B) Minimum contents. Each NOC shall include at minimum: (i) respondent identity basis, including biometric linkage or other reliable method; (ii) status category asserted or allegation of unlawful presence/out-of-compliance; (iii) charged grounds by citation to that Act and plain-language description; (iv) factual summary supporting each ground; (v) response and appearance instructions; (vi) consequences of nonresponse or nonappearance; (vii) service statement and registered contact info on file; and (viii) notice that no delay creates lawful status or employment authorization.

(3) Commencement of proceedings; docket marker.

(A) Commencement by valid service. Proceedings commence upon valid service of a NOC.

(B) FSMA docket marker. FSMA shall record commencement in an audit-logged docket system and assign a unique case identifier.

(C) Consolidation authority. FSMA may consolidate related determinations into a single case identifier as prescribed by regulation.

(4) Service validity and methods; registered contact duty; no-notice defense barred.

(A) Dual-channel service for non-Visitors. For any person other than a Visitor, FSMA shall serve the NOC by delivery to the most recent registered physical address and registered email address on file, and may also effect personal service during any lawful encounter or custody processing.

(B) Visitors. Visitor service rules are governed by that Act’s Visitor section.

(C) Valid service. Service to the most recent registered physical address and registered email address on file constitutes valid service.

(D) Duty to maintain and update. Any person subject to registered contact requirements must maintain current registered contact information and update changes within the required period.

(E) No-notice defense barred. Failure to maintain or update registered contact information bars any claim that notice was not received, except where the respondent proves by clear and convincing evidence that: (i) FSMA committed an objective system error eligible for correction;

and (ii) the respondent timely complied with the contact update duty and the error was not caused by respondent action or inaction.

(5) Response period; required response contents; proof limits.

(A) Response deadline. Unless a more specific section provides otherwise, the respondent shall have twenty-one (21) days from valid service to submit a written response and supporting materials.

(B) One extension. FSMA may grant one (1) extension of up to seven (7) days upon a showing of good cause.

(C) Permitted response content. A response is limited to: denial of identity (identity mismatch); proof of lawful status or compliance; proof of timely filing or timely compliance action; proof of a qualifying exception; an operational error claim eligible for correction; or an NRPD request consistent with that Act where applicable.

(D) No equitable relief. Responses may not request equitable relief, general discretion, or policy-based waivers unless expressly authorized by an Act of Congress.

(6) In absentia determination; default finality; absconder consequences.

(A) In absentia trigger. If the respondent fails to timely respond or fails to appear when lawfully ordered after valid service, FSMA may issue an in-absentia determination.

(B) Required findings. An in-absentia determination shall include findings of valid service and failure to respond or appear.

(C) Finality. An in-absentia determination is final and enforceable subject only to the limited correction lane in paragraph (7) and the operational error-correction lane under that Act.

(D) Absconder status. A respondent subject to a final in absentia removal determination who fails to depart is an absconder and is eligible for civil removal warrant custody as provided by that Act.

(7) Rescission and reopening limits (narrow).

(A) Exclusive grounds. Rescission or reopening of an in absentia determination may be granted only on: mistaken identity; FSMA objective system error affecting service validity; or proof that the respondent timely complied with contact update duty and FSMA served the wrong address or email due to FSMA error.

(B) Deadline. A rescission request must be filed within thirty (30) days after actual notice or within thirty (30) days after it should reasonably have been discovered, whichever is earlier.

(C) No reopening for hardship. Hardship, equities, or generalized fairness are not grounds for rescission or reopening.

(8) Burden of proof and burden of production.

(A) Identity. FSMA bears the burden to establish respondent identity by a preponderance of the evidence.

(B) Charged grounds. FSMA bears the burden to establish charged violations by a preponderance of the evidence within the administrative record.

(C) Affirmative defenses. The respondent bears the burden of proof for affirmative defenses, including NRPD, by the standard specified by that Act.

(D) Record rule. Determinations are based on the administrative record; new evidence after Tier 2 is limited by that Act.

(9) Amendment of charges; consolidation; anti-gamesmanship.

(A) Amendment authority. FSMA may amend charges prior to finality by serving an amended NOC stating amended grounds and brief factual basis.

(B) Response window. FSMA shall provide a short response window for amended charges by regulation sufficient for basic fairness while preventing gamesmanship.

(C) No repetitive filings. Repackaged arguments do not trigger escalation and do not stay enforcement.

(10) Rule of construction. Nothing in this section creates a right to admission, lawful status, employment authorization, or continued presence.”

(b) Preemption of inconsistent procedures. On and after the operative date, no federal agency may implement any initiation-of-proceedings, notice-to-appear, or service-validity procedure inconsistent with new 8 U.S.C. § 1229 as enacted herein.

SCHEDULE 40-A(10) Removal Proceedings—Replacement of 8 U.S.C. § 1229a to Conform to Section 17 Ladder.

(a) Repeal and replacement. 8 U.S.C. § 1229a is hereby repealed effective on the operative date established by Section 24, and is replaced by the following new section, to be codified at 8 U.S.C. § 1229a:

“§ 1229a. Determinations and Removal Proceedings Under the FSMA Adjudication Ladder.

(1) Purpose and scope. This section establishes the exclusive procedures for determinations and removal proceedings conducted under the American Sovereignty, Security, and Migration Act of 2026. It replaces legacy immigration court removal proceedings with the four-tier adjudication ladder established by Section 17 of that Act and operates together with the FSMA Notice of Charges mechanism established by 8 U.S.C. § 1229 (as enacted by that Act).

(2) Exclusive adjudication framework.

(A) Exclusive ladder. All determinations and removal proceedings under that Act shall be conducted exclusively through the adjudication ladder described in Section 17 of that Act: Tier 1 Administrative Compliance Officer; Tier 2 Field Magistrate; Tier 3 Three-Judge Review Panel (triggered); and Tier 4 Five-Judge Regional Circuit (triggered).

(B) No parallel proceedings. No proceeding governed by this section may be conducted under any legacy immigration court procedure inconsistent with the ladder, timelines, service rules, and finality rules of that Act.

(3) Initiation; commencement.

(A) Initiation by Notice of Charges. Proceedings commence upon valid service of an FSMA Notice of Charges under 8 U.S.C. § 1229 (as enacted by that Act), except where a Summary Removal Order is issued and executed under that Act.

(B) Docket and record. FSMA shall assign a unique case identifier and maintain an audit-logged administrative record for each proceeding.

(4) Standard of proof; burdens.

(A) Identity. FSMA bears the burden to establish identity by a preponderance of the evidence

using biometric linkage or other reliable methods defined by regulation.

(B) Charged grounds. FSMA bears the burden to establish charged violations under that Act by a preponderance of the evidence within the administrative record.

(C) Affirmative defenses. The respondent bears the burden of proof for affirmative defenses, including NRPD, under the standard specified by that Act.

(5) Procedures; submissions; evidence.

(A) Written submissions. Proceedings may be conducted primarily by written submissions except where a hearing is required by regulation or ordered by the adjudicator.

(B) Evidence rules. FSMA shall admit reliable and verifiable evidence consistent with that Act's procedures and shall exclude evidence submitted after Tier 2 unless it meets the "new, material, reliable" standard specified by Section 17 of that Act or qualifies under the operational error-correction lane.

(C) No repetitive filings. Repackaging the same evidence or arguments previously considered does not trigger escalation and does not stay enforcement.

(6) Deadlines; finality; stays.

(A) Deadlines. Filing deadlines and decision deadlines shall be governed by Section 17 of that Act and implementing regulations.

(B) Finality by default. Failure to timely file an appeal or to satisfy an escalation trigger results in finality under that Act.

(C) No automatic stay. Filing does not automatically stay enforcement; stays may be granted only under the limited stay authority and standards specified by Section 17 of that Act.

(7) In absentia determinations; rescission limits.

(A) In absentia. In absentia determinations are authorized and governed by 8 U.S.C. § 1229 (as enacted by that Act) and the finality rules of Section 17 of that Act.

(B) Rescission and reopening. Rescission and reopening are strictly limited to identity mismatch and objective system error affecting valid service, as specified by 8 U.S.C. § 1229 (as enacted by that Act) and Section 17 of that Act.

(8) Record-only review and narrow Article III lane.

(A) Record. Determinations shall be based on the administrative record maintained by FSMA.

(B) Exclusive judicial review. Any Article III review is limited to the exclusive petition-for-review mechanism and custody-only habeas carveout provided by Section 17 of that Act and 8 U.S.C. § 1252 as amended by Schedule 40-A(5).

(9) Rule of construction. Nothing in this section creates any right to admission, lawful status, employment authorization, parole, deferred action, or continued presence. Proceedings under this section operate solely to determine compliance with that Act and to execute the consequences provided by that Act."

(b) Preemption of inconsistent procedures. On and after the operative date, no federal agency may conduct any removal proceeding or status-determination proceeding under any procedure inconsistent with new 8 U.S.C. § 1229a as enacted herein.

SCHEDULE 40-A(11) Inspection and Summary Removal—Replacement of 8 U.S.C. § 1225 to Implement Full Operative Border Procedures and NRPD-Only Screening.

(a) Repeal and replacement. 8 U.S.C. § 1225 is hereby repealed effective on the operative date established by Section 24, and is replaced by the following new section, to be codified at 8 U.S.C. § 1225:

“§ 1225. Inspection; Border Processing; Summary Removal; NRPD-Only Screening; Custody; Return Logistics; Fraud Controls.

(1) Purpose and scope. This section establishes the controlling federal border-processing framework for determinations conducted under the American Sovereignty, Security, and Migration Act of 2026. It applies to: (A) any non-citizen presenting at a Port of Entry or functional equivalent; (B) any non-citizen encountered at or near the external boundary of the United States in circumstances indicating unlawful entry or attempted unlawful entry; and (C) any non-citizen transferred to Federal Sovereignty and Migrant Authority (FSMA) custody for border processing.

(2) Definitions. For purposes of determinations under this section and the American Sovereignty, Security, and Migration Act of 2026, the terms “inspection,” “admission,” “admitted,” “applicant for admission,” “Entry Without Inspection (EWI),” and “Unlawful Entrant” have the meanings provided in that Act.

(3) Inspection authority and initial outcomes.

(A) Inspection authority. An authorized immigration officer may conduct inspection, including biometric verification and minimum necessary indicator verification through FSMA systems, to determine identity, nationality, lawful status (if any), and eligibility for an Act-category status.

(B) Outcomes. Upon inspection, the officer shall take one of the following actions:

- (i) Admit under an Act category if the person satisfies identity, screening, and eligibility requirements under the American Sovereignty, Security, and Migration Act of 2026.
- (ii) Refuse admission and order immediate return or removal where the person is not eligible for admission.
- (iii) Initiate summary removal under paragraph (4) where authorized.
- (iv) Individualized parole only in strict compliance with Section 35 of the American Sovereignty, Security, and Migration Act of 2026; parole may not be used as a substitute admissions program and does not authorize employment absent an Act of Congress expressly providing otherwise.

(4) Summary removal order (fast, Act-native).

(A) Authority and triggers. FSMA may issue a Summary Removal Order where FSMA determines, by a preponderance of the evidence, that the person: (i) is an Unlawful Entrant; (ii) attempted entry without inspection; (iii) presented materially fraudulent documents or materially misrepresented identity, nationality, status, or purpose; (iv) lacks valid passport documentation required by the American Sovereignty, Security, and Migration Act of 2026 except where a narrow exception applies; or (v) is otherwise not eligible for any Act-category admission and has no verified lawful admission record.

(B) Form of order. The Summary Removal Order shall be in writing and shall include: identity linkage basis (including biometric linkage where practicable), factual basis for the trigger, the proposed removal destination, the NRPD-only notice under paragraph (5), and service/response

deadlines.

(C) Execution. Unless an NRPD request is timely raised and accepted for expedited consideration under paragraph (6), the Summary Removal Order shall be executed as soon as practicable.

(D) No status by delay. No administrative backlog, capacity constraint, missed internal deadline, or processing delay creates lawful status, parole entitlement, deferred action entitlement, employment authorization, or any other right to remain.

(5) NRPD-only screening (torture bar only).

(A) Exclusive humanitarian screen. A person subject to summary removal under this section may request only a Non-Removal Protection Determination (NRPD) under the American Sovereignty, Security, and Migration Act of 2026. No asylum, credible-fear, refugee, withholding, or similar humanitarian admission or non-removal procedure may be asserted or processed under this section on or after the operative date.

(B) Threshold request. The respondent must identify the specific destination country and must proffer credible evidence that removal to that country would more likely than not result in torture.

(C) No work by default. A pending NRPD request does not authorize employment and does not create lawful status.

(6) Expedited NRPD adjudication (border version).

(A) Initial determination. If an NRPD request is timely raised, FSMA shall conduct an expedited determination on short evidence deadlines prescribed by regulation consistent with the American Sovereignty, Security, and Migration Act of 2026, excluding late evidence absent good cause.

(B) Appeal. Field Magistrate review, if any, shall be on expedited deadlines prescribed by regulation; the filing of an appeal does not automatically stay execution of removal.

(C) Effect of NRPD grant. If NRPD is granted as to a specific country, removal to that country is barred. NRPD does not create admission, parole, or any Act-category status; FSMA shall pursue removal to a lawful alternative destination consistent with paragraph (9).

(D) No interim work authorization. No interim or pendency-based work authorization may be issued incident to an NRPD request or NRPD adjudication under this section absent an Act of Congress expressly providing otherwise.

(7) Custody and release during border processing.

(A) Default custody. Persons processed under this section shall remain in federal custody during processing unless release is authorized under subparagraph (B).

(B) Individualized release gate. Release may be authorized only upon a written, audit-logged determination that: identity is verified; danger and abscond risk indicators are not present; release is necessary for a defined operational reason; enforceable reporting and registered-contact supervision conditions are established prior to release; and release will not defeat prompt execution.

(C) No categorical release. No policy may provide categorical release based solely on capacity constraints.

(D) No work authorization by release. Release under this paragraph does not authorize employment and does not create lawful status.

(8) Return logistics; biometric exit confirmation; record closure.

(A) Execution. FSMA, in coordination with the Department of State and other relevant agencies, shall execute returns and removals as soon as practicable.

(B) Exit verification. FSMA shall verify departure through biometric exit records or other verified exit methods prescribed by regulation.

(C) Permanent identity record. Removal history shall be maintained as a permanent identity-linked record.

(9) Removal destination selection; third-country removal; NRPD interaction.

(A) Default destination hierarchy. FSMA shall pursue removal to the country of nationality, last habitual residence where nationality is not reliably determined, last transit country where feasible, or any other lawful receiving third country.

(B) NRPD limitation. If NRPD bars removal to a specific country, FSMA shall pursue removal to any lawful alternative destination.

(C) No right to choose destination. Nothing in this section creates a right to select or veto a lawful destination except as required by NRPD as a bar to a specific destination country.

(10) Fraud and identity manipulation penalties.

(A) Fraud and misrepresentation. Material misrepresentation of identity, nationality, or status in border processing is a disqualifying fraud under the American Sovereignty, Security, and Migration Act of 2026 and triggers bars and enforcement consequences under that Act.

(B) Multiple-name manipulation. FSMA shall apply enhanced verification procedures by regulation to address repeated-name or identity-alien abuse.

(C) Referral. Egregious fraud may be referred for criminal investigation under applicable law.

(11) Rule of construction. Nothing in this section creates any right to admission, release, or discretionary benefit; and nothing in this section permits the creation of any parallel humanitarian pathway other than NRPD under the American Sovereignty, Security, and Migration Act of 2026.”

(b) Preemption of inconsistent procedures. On and after the operative date, no federal agency may implement any inspection, expedited removal, or border-screening procedure inconsistent with new 8 U.S.C. § 1225 as enacted herein.

SCHEDE 40-A(12) Definitions Conformity—Targeted Amendment of 8 U.S.C. § 1101(a)(13) to Harmonize “Admission” and Related Terms for Determinations Under This Act.

(a) Amendment. Section 101(a)(13) of the Immigration and Nationality Act (8 U.S.C. § 1101(a)(13)) is amended by adding at the end the following:

“(F) For purposes of any determination, proceeding, inspection, custody decision, removal action, or enforcement action conducted under the American Sovereignty, Security, and Migration Act of 2026, the terms ‘inspection,’ ‘admission,’ ‘admitted,’ ‘applicant for admission,’ ‘Entry Without Inspection,’ and ‘Unlawful Entrant’ shall have the meanings provided in that Act, and any inconsistent definition or usage shall have no force for such determinations.”

(b) Rule of construction. Nothing in this Schedule expands admissions or benefits under any law; it harmonizes terms for enforcement and administration under the American Sovereignty, Security, and Migration Act of 2026.

SCHEDULE 40-A(13) Grounds of Inadmissibility and Deportability—No Independent Effect for Determinations Under This Act Unless Expressly Incorporated.

(a) Amendment to 8 U.S.C. § 1182. Section 212 of the Immigration and Nationality Act (8 U.S.C. § 1182) is amended by adding at the end the following:

“(z) No independent effect for determinations under the American Sovereignty, Security, and Migration Act of 2026. For any determination, proceeding, inspection, custody decision, removal action, or enforcement action conducted under the American Sovereignty, Security, and Migration Act of 2026, this section shall have no independent effect and shall apply only to the extent that a provision of that Act expressly incorporates a specific ground from this section by citation.”

(b) Amendment to 8 U.S.C. § 1227. Section 237 of the Immigration and Nationality Act (8 U.S.C. § 1227) is amended by adding at the end the following:

“(z) No independent effect for determinations under the American Sovereignty, Security, and Migration Act of 2026. For any determination, proceeding, custody decision, removal action, or enforcement action conducted under the American Sovereignty, Security, and Migration Act of 2026, this section shall have no independent effect and shall apply only to the extent that a provision of that Act expressly incorporates a specific ground from this section by citation.”

SCHEDULE 40-A(14) Removal Destination and Reinstatement—Conforming Amendments to 8 U.S.C. § 1231(b)(2) and § 1231(a)(5) to Implement Sections 36A and 36B.

(a) Amendment to 8 U.S.C. § 1231(b)(2). Section 241(b)(2) of the Immigration and Nationality Act (8 U.S.C. § 1231(b)(2)) is hereby repealed effective on the operative date and is replaced with the following:

“(2) Removal destination selection for determinations under the American Sovereignty, Security, and Migration Act of 2026. For any removal executed under the American Sovereignty, Security, and Migration Act of 2026, removal destination selection, third-country removal pursuit, travel-document procurement cooperation duties, and NRPD interaction shall be governed exclusively by Sections 36A and 18 of that Act. Any inconsistent destination-selection rule shall have no force for such removals.”

(b) Amendment to 8 U.S.C. § 1231(a)(5). Section 241(a)(5) of the Immigration and Nationality Act (8 U.S.C. § 1231(a)(5)) is hereby repealed effective on the operative date and is replaced with the following:

“(5) Repeat-entrant and reinstatement processing for determinations under the American Sovereignty, Security, and Migration Act of 2026. For any person encountered again in unlawful status after a final removal determination under the American Sovereignty, Security, and Migration Act of 2026, reinstatement and repeat-entrant summary removal shall be governed exclusively by Section 36B of that Act, including identity-match finality, identity-only error correction, and NRPD-only screening. Any inconsistent reinstatement rule shall have no force for such determinations.”

(c) Rule of construction. Nothing in this Schedule creates entitlement to admission, status, release, or employment authorization.

40(4). Directive regarding conflicting consent decrees and settlement agreements.

(a) The Attorney General shall promptly seek modification or termination of any consent decree or settlement agreement that materially conflicts with this Act’s requirements or prevents enforcement of this Act, including any decree governing detention, release, or processing

practices.

(b) Nothing in this subsection authorizes any agency to unilaterally nullify a court order; it is a directive to seek judicial modification based on the change in law.

40(5). Savings clause (criminal law; constitutional limits; detention compliance; NRPD).

(a) Nothing in this Act limits federal criminal prosecution authority.

(b) Custody under this Act shall comply with Section 15(7) and Section 36(5)–(8).

(c) Nothing in this Act shall be construed to authorize removal in violation of NRPD under Section 18(12)–18(16).

40(6). Severability (Section 40).

If any provision of this section, or the application of any provision of this section to any person or circumstance, is held invalid, the remainder of this section and the remainder of this Act shall not be affected.

Section 41. Voluntary Private Sponsorship Contributions; Restricted Gift Accounts; General Support Fund Uses; Anti-Diversion; Transparency; No Rights Created.

41(1). Purpose.

This section creates a lawful mechanism for private citizens and private entities to financially support the costs of non-citizen presence under this Act by making voluntary contributions that are restricted to taxpayer-neutral solvency purposes and are not accessible to the migrant as cash. This section is intended to permit persons who favor greater migrant support to fund that preference privately, without shifting costs to United States taxpayers.

41(2). Definitions (Section 41 only).

For purposes of this section:

(a) “Sponsor Contributor” means any United States citizen, lawful permanent resident, domestic entity, or other person legally permitted to transact in the United States who makes a contribution under this section.

(b) “Designated Contribution” means a contribution linked to a specific approved non-citizen identified by that individual’s FSMA registration number.

(c) “General Contribution” means a contribution made to the FSMA Solvency Support Fund without designation to a specific individual.

(d) “FSMA Solvency Support Fund (SS Fund)” means the restricted federal fund established under subsection 41(3) for holding and applying contributions under this section.

(e) “SS Fund General Ledger” means the portion of the SS Fund that holds General

Contributions.

(f) “SS Fund Designated Ledger” means the portion of the SS Fund that records Designated Contributions by FSMA registration number.

41(3). Establishment of FSMA Solvency Support Fund; restricted ledgers; not migrant property.

(a) Establishment. FSMA shall establish and administer a restricted fund known as the “FSMA Solvency Support Fund (SS Fund).”

(b) Ledgers. The SS Fund shall include:

(1) an SS Fund Designated Ledger that records Designated Contributions by FSMA registration number; and

(2) an SS Fund General Ledger for General Contributions.

(c) Restricted custody. Contributions held in the SS Fund are federal restricted-use funds administered by FSMA and are not the property of the migrant, the Sponsor Contributor, or any private entity.

(d) No cash access; no pass-through. In no case may a contribution be disbursed to a migrant as cash, as an unrestricted transfer, as a debit-card balance, as a negotiable instrument, or as any equivalent. Funds may be applied only through FSMA-controlled restricted ledgers and direct-to-obligation payments.

41(4). Eligibility to donate; timing; verification.

(a) Designated contributions permitted only after approval. A Sponsor Contributor may make a Designated Contribution only after the identified non-citizen has been approved under an Act category and issued an FSMA registration number.

(b) Prohibited pre-approval earmarking. No person may reserve, escrow, or condition admission on a private contribution in a manner that creates a right to admission or alters FSMA’s discretionary admission decisions under this Act.

(c) Identity verification. FSMA shall verify Sponsor Contributor identity and implement anti-fraud controls, including identity verification thresholds by regulation.

41(5). Permitted uses of contributions (restricted; taxpayer-neutral; no rights created).

(a) Designated Contributions—permitted uses. FSMA may apply Designated Contributions only to obligations of the identified non-citizen under this Act, including:

(1) funding or replenishing the Migrant Solvency Account required by Section 12, but only as a restricted deposit disbursable solely under Section 12(7) and subject to Section 12(8);

(2) funding the Removal Deposit Account under Section 12(6B) where applicable;

(3) paying premiums or fees required to maintain an active Migrant Surety Bond under this Act, where such payment is permitted by regulation and made directly to the surety provider;

(4) paying civil penalties assessed to the individual under this Act, without limitation, provided payment is made through FSMA-controlled collection channels and remains audit-logged; and

(5) other strictly limited solvency uses expressly authorized by regulation consistent with the taxpayer-neutral purpose of this Act.

(b) General Contributions—permitted uses. FSMA may apply General Contributions only to:

(1) system-level solvency shortfalls consistent with permitted uses of the Federal Solvency Reserve under this Act, but segregated within the SS Fund General Ledger for transparency;

(2) administration costs directly attributable to solvency enforcement, verification, and anti-fraud operations under this Act, but only to the extent such costs are not otherwise covered by

appropriations or dedicated receipts; and

(3) migrant hardship gap assistance under subsection 41(6) to prevent taxpayer burden.

41(6). SS Fund General Ledger assistance rules (gap assistance; no public charge externalization).

(a) Purpose. The SS Fund General Ledger may be used to prevent a migrant from becoming a taxpayer burden in extraordinary, documented cases where required private insurance and required personal solvency resources are insufficient to cover a qualifying obligation.

(b) Eligible applicants. Only Migrant TT, Migrant WP, Harvest Migrants, Academic Guests, and Protected Migrants who are otherwise compliant under this Act and whose identity is verified may apply for assistance under this subsection.

(c) Eligible obligations (examples; not limited). FSMA may approve General Ledger assistance only for:

(1) catastrophic medical cost gaps: amounts that remain after (i) private catastrophic insurance has paid as required, and (ii) the maximum allowable disbursement from the migrant's Migrant Solvency Account has been applied under Section 12, where the remaining balance would otherwise become uncompensated taxpayer-funded care;

(2) removal execution cost gaps: costs necessary to complete removal where (i) the migrant's bond or Removal Deposit Account is exhausted or unavailable, and (ii) the cost would otherwise fall to taxpayers;

(3) other narrow categories defined by regulation, only where the purpose is preventing taxpayer burden and not creating a benefit program.

(d) Required order-of-operations (must exhaust first). FSMA shall approve assistance only after confirming, through audit-logged records, that:

(1) insurance has been billed and paid to the extent applicable;

(2) any deductible or permitted solvency-account disbursement has been applied; and

(3) no other private funding source or legally responsible party is available.

(e) Decision standard. FSMA may grant assistance only upon a written, audit-logged determination that the assistance is necessary to prevent taxpayer burden and does not create settlement-by-delay incentives.

(f) No entitlement. Assistance is discretionary and creates no entitlement.

(g) No cash. Assistance shall be paid directly to providers, surety providers, transport providers, or other payees approved by FSMA; no payment may be made to a migrant.

41(7). Anti-absconding and anti-diversion rules (all contributions).

(a) Locked character. Contributions credited toward any Migrant Solvency Account or Removal Deposit Account remain subject to all restrictions and priority-of-claims rules under Section 12, including liquidation order and removal-cost satisfaction.

(b) No withdrawal right. A migrant has no right to withdraw, transfer, pledge, encumber, or otherwise access contributed funds except through FSMA-authorized disbursements for the limited purposes in Section 12 and this section.

(c) Forfeiture and claims priority preserved. In any enforcement collection event, including involuntary removal, FSMA shall apply funds according to Section 12(8) and shall treat contributed amounts as equally subject to statutory claims priority as migrant-paid amounts.

41(8). Contributor controls and limits (no trafficking; no sponsorship-for-sale).

- (a) No quid pro quo. A Sponsor Contributor may not require any repayment, labor, service, political activity, or other consideration from a migrant in exchange for a contribution; any such arrangement constitutes prohibited financial exploitation and is void.
- (b) Anti-trafficking safeguard. FSMA shall refer any credible evidence of coercion, trafficking, debt bondage, or forced repayment arrangements connected to contributions under this section to the Department of Justice for investigation.
- (c) Contribution caps by regulation. FSMA may establish reasonable contribution caps by regulation to prevent money-laundering, influence-buying, and de facto private sale of status, provided such caps do not prevent ordinary charitable support.
- (d) No effect on admissions or enforcement. A contribution under this section shall have no effect on admission ranking, admission approval, renewal approval, enforcement decisions, custody decisions, or removal execution.

41(9). Refunds; reversion; donor principal; re-use for next migrant.

- (a) No donor refund right. A Sponsor Contributor has no right to demand a refund of any contribution.
- (b) Migrant departure refunds limited to migrant-paid balances only. If an individual permanently departs the United States in good standing and is eligible for statutory refunds under Section 12(10), FSMA shall refund only the portion of refundable balances attributable to the migrant's own required contributions and lawful deposits, as determined by FSMA accounting rules prescribed by regulation.
- (c) Designated donated funds revert to General Ledger upon departure. Any portion of a Designated Contribution not applied to permitted obligations as of the date FSMA verifies permanent departure shall be transferred from the SS Fund Designated Ledger to the SS Fund General Ledger and shall be used to support the next migrant(s) under the General Ledger assistance rules in subsection 41(6).
- (d) Removal or forfeiture. If the identified non-citizen is removed or becomes subject to forfeiture rules, contributed funds are applied to removal costs and other statutory priorities; no portion reverts to the contributor, and any remainder (after statutory priorities) shall be transferred to the SS Fund General Ledger for use under subsection 41(6).
- (e) Misidentification correction. If a Designated Contribution is misapplied due to FSMA operational error, FSMA shall correct the ledger and re-apply the amount to the intended FSMA registration number.

41(10). Quarterly public transparency and accounting; “thank you” notice.

- (a) Quarterly reports required. FSMA shall publish on its official website, no later than thirty (30) days after the end of each fiscal quarter, a public transparency report stating:
 - (1) the total amount of contributions received under this section during the quarter;
 - (2) the total amount of Designated Contributions received and the total amount of General Contributions received during the quarter;
 - (3) total outflows from the SS Fund, broken down by category of use, including at minimum:
 - (A) Migrant Solvency Account deposits;
 - (B) Removal Deposit Account funding;
 - (C) Migrant Surety Bond premium payments;
 - (D) civil penalty payments;

- (E) medical gap assistance payments under subsection 41(6)(c)(1);
- (F) removal execution gap assistance under subsection 41(6)(c)(2); and
- (G) administrative costs paid from the SS Fund under subsection 41(5)(b)(2); and

(4) the ending balances of the SS Fund Designated Ledger and SS Fund General Ledger.

(b) Privacy safeguard. The quarterly report shall not disclose personally identifying information of any migrant or contributor; reporting shall be aggregate and privacy-preserving.

(c) Public acknowledgment statement. The quarterly report shall include a brief public statement acknowledging that voluntary private contributions under this section are above and beyond federal taxes and are intended to prevent taxpayer burden, and shall thank contributing Americans in general terms.

(d) “Where general funds went” requirement. The quarterly report shall include a narrative and numeric breakdown explaining how SS Fund General Ledger amounts were allocated, including the number of approved assistance events and the categories funded.

41(11). Administration; receipts; dispute handling.

- (a) Receipts. FSMA shall provide Sponsor Contributors a receipt confirming amount, date, and whether designated or general; FSMA may confirm only that an FSMA registration number is valid and eligible to receive Designated Contributions.
- (b) Disputes. FSMA shall maintain an error-correction pathway for Sponsor Contributors limited to: (1) misapplied FSMA registration number due to contributor typographical error discovered within a short period prescribed by regulation; or (2) FSMA operational error.
- (c) No leverage. Sponsor Contributors may not use dispute processes to delay enforcement or to obtain any immigration outcome.

41(12). Rule of construction; no rights created; severability.

- (a) No entitlement. Nothing in this section creates any right to admission, to continued presence, to renewal, to work authorization, or to any benefit for any migrant or contributor.
- (b) No limitation on enforcement. Nothing in this section limits enforcement, custody, detention, removal, penalties, or bond forfeiture under this Act.
- (c) Severability. If any provision of this section, or its application to any person or circumstance, is held invalid, the remainder of this section and the remainder of this Act shall not be affected.

Section 42. Migrant Catastrophic Coverage Program; FSMA Certified Carriers; Reference Pricing; Reinsurance; Premium Withholding; Direct-Pay Administration; Dispute Arbitration; Transparency.

42(1). Purpose.

This section establishes a federally administered migrant-only catastrophic coverage program to satisfy Section 12(9), reduce taxpayer exposure, reduce premiums through centralized purchasing power, and ensure simple, enforceable compliance through payroll withholding, direct-pay administration, reference pricing, reinsurance, and transparent contracting.

42(2). Establishment; Office of Migrant Coverage Administration (OMCA).

(a) Establishment. FSMA shall establish an Office of Migrant Coverage Administration (OMCA) to administer the program in this section.

(b) Functions. OMCA shall: (1) certify carriers and plans; (2) administer premium collection and remittance; (3) administer MSA deductible payments to providers; (4) establish and administer the Allowed Amount schedule and reference pricing; (5) administer reinsurance under subsection 42(8); (6) conduct claims integrity audits; and (7) administer the dispute arbitration process under subsection 42(10).

42(3). Required coverage; migrant-only category; satisfaction of Section 12(9).

(a) Migrant Catastrophic Coverage Plan (MCCP). FSMA shall certify migrant-only catastrophic coverage plans (“MCCPs”) sold solely to persons holding an Act-category status requiring coverage under Section 12(9).

(b) Compliance. Enrollment in and maintenance of an MCCP certified under this section satisfies the private catastrophic health coverage requirement in Section 12(9) if the plan meets the deductible ceiling and other requirements of Section 12(9) and this section.

(c) No general-market effect. An MCCP is a migrant-only product for compliance with this Act and shall not be treated as a general-market plan for citizens or as a basis for any entitlement under any other law.

42(4). Carrier and plan certification; bilingual disclosures; plain-language requirement.

FSMA may certify a carrier and MCCP only if the carrier agrees to:

(a) bilingual core documents: provide plan documents, claims notices, appeal notices, and cancellation/nonpayment notices in English and at least one additional language prescribed by regulation;

(b) standardized one-page plain-language disclosure prescribed by FSMA stating: premium; deductible; out-of-pocket maximum (if any); emergency and hospitalization coverage scope; prescription coverage terms; exclusions; and how the plan coordinates with the MSA;

(c) real-time verification signals to FSMA (active/inactive; premium paid/delinquent; deductible met/not met) as minimum necessary indicators; and

(d) claims and audit cooperation requirements prescribed by regulation.

42(5). Tiered plans and riders (cost control without categorical mandates).

(a) FSMA shall permit MCCPs to be offered in multiple tiers (including lower-premium/higher-deductible up to the Section 12(9) maximum deductible and higher-premium/lower-deductible options).

(b) FSMA shall permit optional riders and supplemental coverage, provided riders do not create any entitlement to admission, renewal, work authorization, or continued presence.

(c) Nothing in this section shall be construed to require sex-coded purchase mandates; coverage

options may be offered by tier and rider consistent with applicable law and the program structure herein.

42(6). Premium collection and remittance (automatic compliance).

(a) Payroll withholding required. For any migrant authorized to work and subject to Section 12(9), the employer of record shall withhold MCCP premiums from wages at each payroll cycle in the amount communicated through the FSMA system for the plan selected by the migrant and certified by FSMA.

(b) Remittance. The employer shall remit withheld premiums to FSMA on the same cadence as payroll tax remittances and in no event less frequently than monthly, using electronic remittance methods prescribed by FSMA.

(c) Trust treatment. Premium withholdings are held in trust and may not be diverted or commingled for operating use.

(d) FSMA clearinghouse. FSMA shall remit premiums to the selected carrier and record coverage status as a minimum necessary indicator.

(e) Non-payroll migrants. FSMA shall prescribe a compliant payment mechanism for migrants without a wage-withholding employer (including verified auto-debit or prepaid periodic payment), and failure to maintain premium payment is noncompliance under Section 30.

42(7). Direct-pay deductible administration through the Migrant Solvency Account (MSA); medical obligation ledger; SS Fund backstop.

(a) Direct pay. OMCA shall pay, directly to providers, the deductible portion of covered claims that is payable from the migrant's MSA under Section 12(7)(a), based on carrier adjudication and OMCA verification.

(b) Explanation of Benefits (EOB) and balance notices by email. OMCA shall send the migrant, to the registered email address, an EOB-style notice for each claim impacting the MSA, showing: (1) allowed amount; (2) carrier payment; (3) deductible amount payable from MSA; (4) amount paid by OMCA; (5) any remaining permitted patient responsibility; and (6) current MSA balance and any outstanding medical obligation.

(c) Medical Deductible Payback Ledger. If the MSA has insufficient funds to pay the deductible portion at the time due, OMCA shall record the unpaid amount as a Medical Deductible Payback obligation and shall automatically apply subsequent MSA contributions to the obligation until satisfied, before adding funds toward the "fully funded" threshold.

(d) SS Fund General Ledger backstop and recoupment. Where necessary to prevent taxpayer burden and to maintain provider payment integrity, OMCA may pay a verified deductible shortfall from the Section 41 SS Fund General Ledger and shall record the amount as a recoupable obligation, automatically recoverable from future MSA contributions in a manner prescribed by regulation. No SS Fund payment creates any entitlement to future SS Fund assistance.

(e) No cash. No amount under this subsection may be paid to the migrant as cash or cash equivalent.

42(8). FSMA reinsurance for MCCPs (above-threshold protection; allowed-amount basis).

(a) Establishment. FSMA shall administer a migrant-only reinsurance layer for MCCPs to reduce premiums and stabilize carrier participation.

(b) Attachment point. Reinsurance attaches at fifty thousand dollars (\$50,000) per covered

individual per plan year, Consumer Price Index-adjusted pursuant to Section 5.

(c) Allowed-amount basis. Reinsurance applies only to covered claims measured by the FSMA Allowed Amount (subsection 42(9)), not billed charges.

(d) Coinsurance and cap. FSMA shall set by regulation the reinsurance coinsurance rate and any per-claim cap, provided that such parameters must be designed primarily to reduce premiums and prevent taxpayer exposure and must be published with actuarial justification.

(e) Funding. Reinsurance shall be funded from dedicated receipts and restricted accounts authorized by this Act, including Federal Solvency Reserve receipts and other lawful receipts; no reinsurance payment may be made from taxpayer general funds absent an Act of Congress.

42(9). Reference pricing; Allowed Amount schedule; network and out-of-network emergency controls.

(a) Allowed Amount schedule. OMCA shall establish and publish an Allowed Amount schedule for MCCPs, including Medicare-multiplier reference pricing with region and rural adjustments by regulation.

(b) Network requirement. FSMA-certified MCCPs shall maintain provider networks; participating providers shall accept the Allowed Amount as payment in full for covered services, subject to permitted cost-sharing.

(c) Out-of-network emergency benchmark. For emergency services furnished out-of-network, MCCPs shall pay an amount not exceeding the Allowed Amount benchmark unless an exception is awarded under subsection 42(10).

(d) Balance-billing prevention. OMCA shall, by regulation, require network contract terms and claims workflows designed to prevent balance billing from becoming uncompensated taxpayer burden, consistent with this Act.

42(10). Dispute arbitration (short lane; loser pays; narrow scope).

(a) Covered disputes. OMCA shall administer a short arbitration process for disputes between carriers and providers, limited to: coding/classification; whether a service is covered under an MCCP tier/rider; application of the Allowed Amount; and out-of-network emergency payment disputes.

(b) Deadlines. OMCA shall establish short, mandatory deadlines by regulation for initiation, submission, and decision, designed to resolve disputes rapidly.

(c) Loser pays. The losing party shall pay arbitrator fees and OMCA administrative fees as prescribed by regulation; arbitrator fees shall be capped by regulation to prevent abuse.

(d) Presumption. The Allowed Amount schedule controls unless the requesting party proves, by clear and convincing evidence, that a narrow exception defined by regulation applies.

(e) Finality. Arbitration outcomes are binding for payment purposes under this program, subject only to the operational error-correction lane in Section 17(10) for objective system errors; nothing in this subsection creates an Article III merits pathway.

42(11). Monthly MSA balance statements; event-based notices; no-notice defense barred.

(a) Monthly statement. OMCA shall provide each migrant with a monthly electronic statement to the registered email address showing: MSA balance; deposits; disbursements; outstanding medical obligations; SS Fund recoupment obligations (if any); and any compliance flags.

(b) Event-based notices. OMCA shall provide additional notices upon: claim adjudication affecting the MSA; creation or satisfaction of a medical obligation; coverage lapse or premium

delinquency; and any solvency threshold breach.

(c) Service validity. Delivery to the registered email address constitutes valid notice; failure to maintain or update registered email bars a claim that notice was not received.

42(12). Procurement integrity; fiduciary-style duty; transparency reporting; no private right of action.

(a) Stewardship duty. FSMA and OMCA shall act as statutory stewards of this migrant coverage program with a duty to negotiate and administer M CCP contracts in a manner designed to: reduce premiums; maintain reliable coverage; prevent taxpayer burden; prevent fraud; and maintain enforceable compliance.

(b) Transparency—annual contracting publication. No later than ninety (90) days after the end of each fiscal year, FSMA shall publish on its official website a public report describing: certified carriers; plan tiers and average premiums by tier; reinsurance parameters and total payouts; Allowed Amount methodology; aggregate claims metrics; administrative cost metrics; and any material contract changes, subject to limited redaction for operational security and proprietary rate schedules as defined by regulation.

(c) Independent audit. This program shall be subject to annual independent audit and Government Accountability Office review on a cadence prescribed by regulation, with public reporting subject to limited redaction for operational security.

(d) No private right of action. Nothing in this section creates a private right of action against FSMA, OMCA, carriers, or providers for alleged breach of duties described herein; enforcement is through audit, oversight, and the administrative processes of this Act.

42(13). Rule of construction; enforcement; severability.

(a) No entitlement. Nothing in this section creates any right to admission, renewal, work authorization, continued presence, or any benefit outside compliance with this Act.

(b) Enforcement. Failure to maintain M CCP coverage or premium payment is an objective noncompliance trigger under Section 30 and a solvency failure under Section 12.

(c) Severability. If any provision of this section, or its application, is held invalid, the remainder of this section and the remainder of this Act shall not be affected.