

Bipartisan Border Security Package

Reasserts Control of the Border, Enhances Security, Fixes Asylum System, Treats Migrants Fairly, and Supports Border Communities

Our border is in crisis. Cartels exploit our broken system, bringing migrants without valid asylum protection claims across the border – overwhelming our border system and giving them false hope about creating a new life in the United States. Currently, migrants have up to three separate screenings to determine their eligibility for protection in the U.S., and the severely backlogged immigration court system can delay final determinations for up to 10 years or more.

Our bipartisan border security package reasserts control of the border by delivering asylum protection determinations efficiently and fairly. We accomplish this without sacrificing America's values by ensuring that due process is respected, authorizing those with real protection claims to work sooner, and guaranteeing that the most vulnerable have access to legal representation.

Creates a New Removal Authority & Moves the Asylum Process Out of the Courts:

Today, there are over three million cases pending adjudication in the immigration courts. As a result, the process can take more than 10 years. Under the new authority, migrants' protection claims and appeals are adjudicated in six months or less by USCIS asylum officers rather than the immigration court system, reducing the immigration court case backlog while still ensuring robust due process protections.

Ends Catch and Release & Closes Loopholes in Parole:

By requiring detention or mandatory supervision of all migrants processed at the border, we ensure migrants follow through with the asylum process and do not disappear into the interior of the country. Additionally, we stop the use of parole to enter the country at our Ports of Entry (212 Parole) or between our Ports of Entry (236 Parole), while ensuring that those needing urgent humanitarian assistance can still temporarily travel to the U.S.

Provides DHS Increased Hiring Flexibility:

DHS will more efficiently hire personnel to ensure rapid protection determinations occur within 90 days or less, enhance border enforcement, expedite asylum processing, and reduce the immigration court backlog, while treating migrants safely and humanely.

Raises Asylum Screening Standard & Streamlines Initial Asylum Interview:

By raising the asylum screening standard, we will ensure that only migrants with legitimate asylum claims will be allowed to remain in the country, while expeditiously removing economic migrants and those wishing to do Americans harm. By consolidating the multiple initial asylum screenings in a new, single Protection Determination Interview, we can effectively and efficiently screen for fear of persecution or torture in 90 days or less.

Border Emergency Authority (BEA):

By providing a new temporary expulsion authority to be used when encounters exceed DHS capacity, the United States can quickly reassert control of our border when migrant numbers overwhelm the system. For context, in December 2023, there were over 300,000 migrant encounters. Under the BEA, the border would close and would remain closed until DHS has processing capacity and operational control of the border for a sustained period. When the border reopens, all migrants would be processed using the new enhanced asylum standard and removal authority.

- If the daily average of migrant encounters reaches 4,000 over a week, DHS may close the border to all non-appointment migrants; border remains closed until DHS has processing capacity and operational control of the border.
- If the daily average of migrant encounters reaches 5,000 over a week, DHS must close the border to all non-appointment migrants; border remains closed until DHS has processing capacity and operational control of the border.
- If encounters exceed 8,500 in a single day, DHS must close the border to all non-appointment migrants; border remains closed until DHS has processing capacity and operational control of the border.
- Imposes a 1 year bar on entry to any migrant who has attempted to cross at least twice while the border is closed.
- Requires that Ports of Entry process at least 1,400 migrants daily during periods when the Border Emergency Authority is in use, ensuring that access to the asylum system is available. Those migrants are processed using the new enhanced asylum standard and removal authority.
- The Border Emergency Authority does not apply to unaccompanied children; those facing medical emergencies or an extreme and imminent threat to their life or safety; those who are the victims of a severe form of trafficking; and those with a valid permission to enter the U.S.

Combats the Opioid Crisis:

Includes the bipartisan FEND Off Fentanyl Act to fight the fentanyl crisis by targeting the illicit fentanyl supply chain.

Afghan Adjustment Act:

Provides a path to permanent legal status to tens of thousands of Afghan nationals who served our country and were evacuated to the U.S. following the fall of Kabul in August 2021, ensuring they receive the safety and security they were promised, while maintaining rigorous vetting standards.

Provides Work Authorization for Certain Individuals:

Provides work authorization for family members of certain visa holders, ensuring only those here legally can help support their families and be productive members of their communities.

Improves Legal Immigration:

Improves and modernizes the legal immigration system by issuing 50,000 new employment and family-based visas per year for five years.

Protects Children of Legal Foreign Workers:

Prevents kids of legal high-skilled foreign workers from “aging out” of their legal status at 21 under their parent’s employment visa due to the green card backlog.

Work Authorization Only for Legitimate Claims:

Provides work authorization only to individuals who receive a positive protection determination at the new enhanced standard.

Protects Unaccompanied Children and Incompetent Individuals.

Guarantees access to counsel for certain incompetent individuals and unaccompanied children 13 and under.

Clarifies Right to Counsel:

Migrants have the ability to access legal consultation, but cannot be used to delay the process and does not come at taxpayer expense.

Boosts Funding for Border Communities:

Increases Shelter and Services Program grant funding for border communities to help them manage migrants and avoid overwhelming emergency services, health care resources, and shelters.