

The Bipartisan Border Solutions Act

Sponsored by Sens. Cornyn and Sinema and Reps. Cuellar and Tony Gonzales

Since the beginning of 2021, an unprecedented surge of migrants has been arriving at our Southwest Border. The Department of Homeland Security (DHS) has reported 351,803 migrant encounters in just the first three months of 2021, compared to 107,732 during the same period in 2020. The bicameral Bipartisan Border Solutions Act would improve DHS's and Department of Justice's capacity to manage migration influxes, make the asylum process more efficient protect unaccompanied migrant children, reduce impact on local communities, and ensure migrants are treated fairly and humanely.

The key provisions of the bill:

- Regional Processing Centers (RPCs) – Authorizes the creation of RPCs to improve DHS's ability to appropriately manage the flow of migrants apprehended along the border. This crisis, as well as a similar one in 2019, demonstrates DHS needs additional processing capacity to ensure an orderly process. These RPCs are not long-term detention facilities, but facilities where DHS can bring multiple agencies under one roof to carry out activities such as criminal history checks, legal orientation programming, issuance of immigration court documents, and communication and coordination with Non-Governmental Organizations.
- Improvements to credible fear determinations and the asylum process – Authorizes DHS to conduct pilot programs to improve the asylum process to render fair and efficient credible fear determinations and asylum decisions with strict guidelines to ensure the legal rights of asylum seekers are protected. Authority for pilot programs terminates after three years.
- Immigration court docketing priorities during irregular migration influx Events – Requires DHS and DOJ to prioritize migrants' immigration cases and asylum claims during irregular migration influx events to provide legal certainty for migrants within a timely manner.
- Legal orientation and access to counsel – Requires widespread improvements to legal orientation and access to counsel across DHS to improve fairness for asylum seekers. This includes improved language translation services, legal orientation programming, and updates to facilities standards or procedures to ensure that migrants can privately meet and speak with outside counsel prior to appearing before an asylum officer or immigration judge.
- Improving transport of migrants and coordination with communities and NGOs – Provides DHS additional authority to transport migrants within border states to government and NGO facilities. Requires DHS to notify local government agencies and NGOs prior to releasing migrants to avoid overburdening small communities.
- Protections for unaccompanied migrant children – Prohibits placement of migrant children with potential sponsors who have been convicted of or are being tried for certain crimes and requires periodic well-being follow-up calls. Provides DOJ authority to prosecute fraud in connection with the transfer of UACs to sponsors.
- Hiring authorities – Authorizes DOJ and DHS to hire 150 immigration judge teams, 250 Border Patrol processing coordinators, 300 asylum officers, and additional OFO officers, ICE litigation teams, and ICE support staff in order to reduce the asylum claim backlog and ensure that front-line DHS officers and agents can remain focused on their core missions.
- Congressional oversight – Establishes reporting requirements on items such as the cost of caring for UACs and factors that contribute to attendance at immigration court hearings. This data will support congressional oversight and inform future policy proposals.