



## The Border Security and Immigration Reform Act

### *Draft Legislative Overview*

**The Problem:** The U.S. immigration system is broken, and Washington political infighting for decades has prevented necessary and critical reforms from being implemented. Instead of bringing bipartisan compromise legislation to the House floor for a vote, both Republicans and Democrats have sought to advance partisan bills that have no chance of becoming law. Instead, Americans want solutions – a poll conducted by the Wall Street Journal reveals that 96% of Republicans and 80% of Democrats want stronger border security and 71% of Republicans and 87% of Democrats approve of admitting more high-skilled immigrants and allowing international students who complete postsecondary school to remain in the United States.<sup>1</sup> In another poll, 68% of the American people support a bipartisan solution that would allow Dreamers to remain and work in the United States.<sup>2</sup>

**The Solution:** The Border Security and Immigration Reform Act takes a realistic approach to border security and comprehensive immigration reform by melding priorities of both Republicans and Democrats. This bill seeks to provide both border security and transition of status for eligible undocumented immigrants in the United States by tying both priorities together. If border security is achieved, then transition of status can occur. If border security is not achieved, then there is no transition of status.

#### **Legislative Proposal Overview:**

- Temporary Protected Status
  - Provides “Temporary Protected Status” to certain undocumented immigrants in the United States for 5 years upon enactment. During this time, these individuals would be able to work, required to pay taxes, and allowed to travel across the U.S. borders.
    - *Note:* Includes provisions of the Dignity Act (H.R. 3599)
  - Individuals eligible to receive this status are:
    - DACA recipients;
    - Any undocumented immigrant who has been living in the United States for the past five years who has not been convicted of certain crimes;
    - Any undocumented immigrant who is married to a United States citizen or has a child who is a United States citizen and has not been convicted of certain crimes; and
    - Any undocumented immigrant who has completed or is enrolled in post-secondary school, including trade school and community college.

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<sup>1</sup> <https://www.wsj.com/opinion/a-way-forward-on-immigration-policy-reforms-politics-7c9511c2>

<sup>2</sup> <https://immigrationforum.org/article/new-survey-americans-want-a-legislative-solution-for-dreamers/>

- Border Security & Election Integrity
  - Provides additional funding, authority, and directives for the completion of the southern border wall while also increasing the number of the United States Customs and Border Protection Agents to secure the southern border and providing them additional technologies to accomplish this section.
    - *Note:* This part includes H.R. 2, excluding Title VIII
  - Secures U.S. elections to ensure only American citizens can vote in Federal elections and requires the State Secretary of States to remove noncitizens from existing voter rolls.
    - *Note:* This part includes the Safeguard American Voter Eligibility (SAVE) Act (H.R. 8281).
  
- Transition of Status
  - For individuals with Temporary Protected Status, they will be automatically transitioned to permanent legal status if the following conditions are met:
    - Within 5 years, the Government Accountability Office (GAO) certifies that the southern border is secured; and,
    - The GAO certifies that the Border Patrol has achieved a 90% or higher detection and apprehension rate of individuals attempting to cross the southern border of the United States unlawfully during the previous 12-month period. The detection and apprehension percentage will be calculated using the previous year (FY24) border crossing numbers.
  - If the aforementioned thresholds are not achieved within 5 years, individuals' Temporary Protect Status expires making them ineligible to receive permanent legal status through the Border Security and Immigration Reform Act, potentially subjecting them to removal proceedings under current law.
  
- Agriculture Labor
  - Reforms the H2-A agriculture guestworker program and provides a pathway to a legal presence of certain eligible undocumented immigrants working in agriculture in the U.S.
  - Would create a "blue card" employment process where individuals can work in the United States provided, they stay within good standing with law enforcement.
  - Those with blue cards can travel out of the United States but are ineligible for federal benefits offered to United States citizens.
    - *Note:* This part includes the Agricultural Worker Program Act of 2019 (H.R. 641)

**The Bottom Line:** The current immigration system is broken, and Americans are demanding real solutions – not political grandstanding. The Border Security and Immigration Reform Act seeks to encompass major provisions from both political parties to create a commonsense solution that secures the southern border and brings hardworking people - who are part of our community and have no criminal record - out of the shadows.