

Bipartisan Border Bill

This bill makes reforms to the asylum system and border management practice designed to triage challenges at the border and give the administration additional tools to process asylum claims in a more orderly, and humane manner.

Reforms to the Asylum System: We need an asylum system that identifies likely meritorious claims of asylum quicker and processes cases in a more expeditious way while preserving due process rights. Here's what the bill does to reform our broken asylum system:

- **Modestly Raise the Asylum Screening Standard:** The bill would modestly raise the initial credible fear screening standard that asylum seekers must meet to be eligible for asylum to “reasonable possibility” of persecution or torture. Importantly, the bill would NOT change the standard to prove an underlying protection claim, preserving settled law.
- **New Border Asylum Process Without Detention:** This bill would modernize asylum processing at the border by establishing a new asylum process, known as provisional noncustodial removal proceedings. This new process would allow authorities to release asylum applicants into the interior under community supervision. The bill would also ensure that asylum seekers receive their decision faster, delivering certainty for thousands of individuals.
- **Immediate Work Authorizations:** Importantly, the bill would allow asylum seekers to receive immediate work authorization upon either a positive credible fear screening or, if administrative delays result in a delay in the screening, approximately 90 days after the individual enters the country. This will ensure that asylum seekers can take care of themselves and their families pending resolution of their claim.
- **Right to Counsel:** The bill codifies the right to counsel for all asylum seekers in expedited removal. Never again will the government be able to deny an asylum seeker the ability to access a lawyer for their credible fear interview or their asylum claim.
- **Provide Government Mandated Counsel for all Children 13 and Under:** Extremely vulnerable populations such as young children are required to navigate our complex immigration system and appear before a prosecutor and a judge with no guaranteed assistance or advocacy. For the first time ever, this bill would provide guaranteed counsel for unaccompanied children.

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Protects the President's Parole Authority: The bill would narrow the use of parole at the land borders but preserve the president's use of class-based parole, particularly at the airports. The bill does not eliminate status for any individuals currently in the U.S. that have been paroled, including recipients of relief through the Uniting for Ukraine and the Parole Processes for Cuba, Haiti, Nicaragua and Venezuela programs and specifically allows those programs to continue.

Border Emergency Authority: The bill would create a new authority that allows the president to temporarily stop processing the asylum claims of individuals who arrive between ports of entry. The border emergency authority could only be activated if certain encounter-based thresholds are met and would be suspended at a specified level of encounters over a defined time-period. To protect against a president who might abuse the authority, various safeguards have been built into the text, including:

- a cap on the number of days that the authority can be used in a calendar year;
- a minimum number of asylum applications that must be processed daily at ports of entry when the authority is in use;
- a requirement that during the authority's use, exigent cases will still be processing between the ports of entry; and
- a sunset of the authority in three years.

Policy Changes to Support Families and Pathways to Citizenship: This bill would expand legal pathways for people to come to the U.S. and increase access to work authorization, and eventually citizenship for certain populations. Specifically, the bill would provide:

- A Quarter Million New Family and Work Visas
- Pathway to Citizenship for Afghans:
- Protection for Children of H1B Holders
- A New Visa to Visit Family in the U.S.
- Increased Resources for Cities and States
- Quicker Citizenship for Immigrants Who Serve in the Military