



Border Security and Deferred Action Recipient Relief Act: Bill Summary

Sen. Jeff Flake (R-Arizona) introduced the Border Security and Deferred Action Recipient Relief Act ([S. 1937](#)) on October 5, 2017. The bill would permit young undocumented immigrants who were brought to the U.S. as children, often referred to as Dreamers, to earn permanent legal status if they pursue higher education, enlist in the military or are gainfully employed, and meet other requirements. In addition, the bill would fund the construction of 74 miles of fencing and levee wall along the southwest border and provide the Department of Homeland Security (DHS) Secretary with expanded authority to designate certain groups as criminal gangs or cartels and detain, deport and block them from entering the U.S.

A Solution for Dreamers

- The bill would create a five-year conditional permanent resident status that would allow young undocumented immigrants to earn the ability to be protected from deportation, work legally in the U.S., travel outside the country and, if they renew for a second five-year period, apply for lawful permanent residence.
- To qualify for the initial five-year period of conditional permanent resident status, young undocumented immigrants would need to meeting the following requirements:
 - Establish that they came to the U.S. before the age of 16 and have continuously lived in the U.S. since January 1, 2012;
 - Pass several government background checks; demonstrate “good moral character” with no criminal convictions punishable by more than one year in prison or any combination of convictions resulting in a sentence of more than one year in prison; register for the Selective Service (if applicable); and
 - If 18 and older, meet one of the following requirements:
 - Have earned a high school diploma or an equivalent;
 - Have been admitted to an institution of higher education; or
 - Have a valid employment authorization.
- Conditional permanent resident status could be extended for a second period of five years by meeting one of the following requirements during the initial five-year period:
 - Have graduated from an institution of higher education (education track);
 - Have served honorably in the military or a reserve component for at least three years (military track); or
 - Have been employed for a total period of at least four years (work track).
- As soon as the conditional permanent resident status is extended, recipients could apply to become lawful permanent residents (green-card holders) if they continue to meet the requirements set in the bill and pay back any applicable federal taxes. Recipients enlisted in the military could apply for naturalization immediately after obtaining their lawful permanent resident status.
- A recipient’s conditional permanent resident status would be revoked if he or she fails to continue to meet all of the bill’s requirements.

Security at the Border

- **Funds Barriers Along the Southwest Border.** The bill would provide \$1.571 billion to construct 74 miles of border fencing and levee walls along the southwest border, and to plan for further construction. The funding would pay for the following:
 - Building 32 miles of new border bollard (upright steel posts) fencing in the Rio Grande Valley in Texas (\$784 million);
 - Building 28 miles of new levee wall in the Rio Grande Valley in Texas (\$498 million);
 - Building 14 miles of secondary fencing in San Diego, California (\$251 million); and
 - Planning for future physical barriers construction along the border (\$38 million).
- **Constructs Roads.** The bill would direct the Department of Homeland Security (DHS) Secretary to commence and complete the construction of roads along the southwest border to facilitate U.S. Customs and Border Protection (CBP) access in the area.

Provisions on Criminal Gangs

- **Designation.** The bill would allow the DHS Secretary to designate as a criminal gang or cartel an ongoing group, club, organization, or association of five or more people who, within the last five years, have engaged in at least one of a wide range of offenses, such as bringing in or harboring undocumented immigrants.
 - The bill's broad definition of what constitutes a criminal gang or cartel and wide range of applicable offenses may impose criminal liability on non-criminal groups. For instance, a church that elects to offer sanctuary to an undocumented immigrant could be considered a criminal gang or cartel under the bill.
- **Prevent Admissions to the U.S.** The bill would prevent immigrants associated with a criminal gang or cartel from entering the U.S. if the DHS Secretary, the Attorney General or a consular officer "knows" or "has reason to believe" the individual is or has been a member of a criminal gang or cartel or has participated in activities related to such gangs or cartels.
 - The bill could weaken protections for vulnerable populations, including unaccompanied children and/or asylum seekers, by blocking individuals suspected of belonging to a criminal gang or cartel from entering the U.S. even if they qualify for asylum.
- **Detains and Deports Immigrants.** An immigrant in the U.S. who is or has been a member or has participated in activities of a criminal gang or cartel could be incarcerated and deported from the U.S., even if they are lawful permanent residents.
- **Forbid Forms of Immigration Relief.** The bill would prevent an immigrant who is or has been a member of a criminal gang or cartel from receiving certain forms of immigration relief, including asylum, Temporary Protected Status (TPS), Special Immigrant Juvenile (SIJ) visas and humanitarian parole.