



Trump - McConnell Immigration Proposal: Bill Summary

With the partial government shutdown surpassing four weeks, President Trump announced an [immigration proposal](#) on January 19 that would reopen the federal government and offer protections for Dreamers and recipients of Temporary Protected Status in exchange for funding to build a steel barrier system along parts of the Southern border. The text of [the proposal](#), a product of discussions between Vice President Mike Pence, White House advisor Jared Kushner, and Senate Majority Leader Mitch McConnell (R - Kentucky), was released on January 21, 2019, along with a top-line summary. The Senate will vote on the proposal on January 24, 2019.

Border Security Spending

- Provides \$5.7 billion in additional funding for border security to construct a steel barrier system, or “border wall,” along parts of the U.S.-Mexico border, a 256 percent increase from \$1.6 billion provided in 2018. U.S. Customs and Border Protection’s (CBP) total budget would be increased to \$19.9 billion, a 42 percent increase from \$14 billion in 2018.
- Includes \$805 million for border security technology, including \$605 million for drug detection at ports of entry, as well as \$605 million for constructing additional Border Patrol facilities to detain vulnerable populations, including family units and children.
- Provides funding for 750 new Border Patrol agents, bringing the total number of Border Patrol agents funded by Congress to an all-time high of 22,120.

Enhanced Interior Enforcement and Detention

- Expands Immigration and Customs Enforcement (ICE)’s budget for enforcement, detention and removal operations by 20 percent, from \$4.1 billion in 2018 to \$5 billion this year. Directs the agency to hire an additional 2,000 ICE agents.
- Provides funding for an average of 52,000 beds in immigration detention centers each day, a 12,000-bed increase from 2018, representing an all-time record.

Three Years of Protections for Qualified DACA Recipients

- Creates a three-year “provisional protected presence” for the 700,000 current Deferred Action for Childhood Arrivals (DACA) recipients, protecting them from deportation and allowing them to work legally in the U.S. The bill’s “provisional protected presence” is a one-time measure and cannot be renewed or expanded. Those with “provisional protected presence” do not receive a pathway to citizenship.
 - Under the bill, those who are not currently protected by DACA, including those who were too young to be eligible to apply for DACA, would be excluded from obtaining any protection from deportation. This represents the majority of the 1.8 million Dreamers in the U.S.
- Establishes a higher evidentiary burden and more stringent eligibility criteria than required for DACA, including a requirement that applicants 18 years and older have an

income at least 125 percent of the Federal Poverty Level unless they are enrolled in an educational institution.

- The new eligibility requirements will likely bar lower earning current DACA recipients from being eligible for protection, including stay-at-home moms raising their children.
- Creates a new \$500 border security fee for Dreamers applying for relief, which essentially doubles the application fee from \$495 for DACA to at least \$995.
- Permits the Secretary of the Department of Homeland Security (DHS) to deport DACA recipients with removal orders if it is “in the national security, public safety, or foreign policy interest” and prevents any judicial review of any claim challenging a denial or a rescission of an individual’s “provisional protected status.”
- Prevents Dreamers who entered the U.S. without inspection to adjust their status to lawful permanent resident (LPR) if their registered legal entry came as a result of a trip abroad authorized by the DHS Secretary through advanced parole.

Three Years of Protections for Qualified TPS Holders

- Allows current Temporary Protected Status (TPS) holders from El Salvador, Haiti, Honduras and Nicaragua to apply for one-time three-year extension of their status, with no pathway to citizenship. Excludes TPS holders from Syria, Nepal, Sudan, South Sudan and Yemen.
- Includes a requirement that applicants 18 years and older have an income at least 125 percent of the Federal Poverty Level unless they are enrolled in an educational institution.
- Almost doubles total TPS renewal fees from \$460 to \$910.
- Excludes unauthorized immigrants from future grants of TPS. Currently, TPS holders are eligible to receive TPS protections regardless of immigration status.

Provisions Impacting Central American Children

- Creates new Central American Minors (CAM) program for Central American children. Under the program, children from Honduras, Guatemala and El Salvador must apply for asylum at in-country processing centers. CAM program to be operative no later than 240 days from enactment.
 - Sets annual 50,000 limit on total CAM applicants, with a corresponding annual limit 15,000 limit on the number of children receiving asylum through CAM.
 - Only children with parents or guardians in the U.S. would be eligible to apply for asylum under CAM.
 - Forecloses judicial review of asylum decisions under CAM.
 - Increases asylum application fee.
- Upon enactment, children from Honduras, Guatemala and El Salvador would no longer be able to apply for asylum at the U.S. border until the CAM program becomes operative.

- Modifies the Trafficking Victims Protection Reauthorization Act (TVPRA) to permit for a fast-track return of children from not only from Canada and Mexico but also El Salvador, Guatemala, Honduras, and other countries that the DHS Secretary finds appropriate, who didn't meet reasonable fear criteria. The "reasonable fear" standard is a higher standard than the existing "credible fear" standard for obtaining asylum in the U.S.
- Creates new fee for asylum applications.

Stricter Asylum Requirements

- Changes asylum requirements, making it more difficult for individuals to obtain asylum:
 - Requires grants of asylum to be in the "national interest," a term that is not defined in the statute.
 - In situations where an individual violates the conditions of asylum and loses their protections, the individual is subject to removal and barred from reentering the United States.
 - Requires individuals who want to withdraw applications for asylum to waive all other applications for immigration relief and to voluntarily leave the U.S.
 - Punishes false statements on an asylum application with increased criminal penalties, including up to five years in prison.
 - Deems asylum claims "frivolous" if they were:
 - filed in attempt to delay removal or receive a work permit.
 - filed after the one-year deadline.
 - Prevents asylum seekers' attorneys from providing explanations for applications that are deemed to be frivolous.
- Terminates asylum of individuals who return to their country of nationality.