

# H.R. 2, Secure the Border Act of 2023



## **DIVISION A – BORDER SECURITY**

- Requires the Department of Homeland Security to immediately restart border wall construction, ensuring that the wall is built along no less than 900 miles of our southern border.
- Increases manpower to a total of 22,000 full-time Border Patrol agents.
- Provides additional technology at border ports of entry to detect and prevent the entry of narcotics, contraband and illegal aliens.
- Authorizes Operation Stonegarden, a grant program to enhance cooperation and coordination among local, state, tribal and federal law enforcement agencies to secure the border.
- Provides that Air and Marine Operations must carry out a minimum of 110,000 annual flight hours and maintain unmanned aerial systems on the southern border 24 hours per day.
- Prohibits DHS funds to be disbursed to any non-governmental organization (NGO) providing transportation, lodging, or legal services to inadmissible aliens.
- Requires DHS to certify to Congress that it is collecting DNA and biometrics per federal law and that it has access to criminal history databases for screening illegal aliens.
- Instructs Customs and Border Protection to publish monthly information on the number of alien encounters and their nationalities, criminal characteristics, and related statistics.
- Limits the use of the CBP One phone app to inspection of perishable cargo only, banning it from being used to facilitate entry interviews for illegal aliens.

## **DIVISION B – IMMIGRATION ENFORCEMENT AND FOREIGN AFFAIRS**

### **TITLE I—ASYLUM REFORM AND BORDER PROTECTION**

- Reforms the asylum process and raises the minimum standard for aliens to claim “a credible fear of persecution.”
- Introduces requirement that aliens must arrive at ports of entry to claim asylum, deterring illegal entries between ports.
- Prohibits asylum for aliens convicted of felonies and DUIs as well as members of criminal gangs.

### **TITLE II—BORDER SAFETY AND MIGRANT PROTECTION**

- Severely limits the government’s ability to release aliens upon apprehension at the border by strengthening the law to mandatorily detain, return or remove illegal aliens.
- If the government cannot detain or return an alien to its home country or a safe third country, it must require the alien to wait in Mexico or Canada while their case is being considered.
- Gives the DHS Secretary the authority to turn away aliens without valid entry documents if doing so is necessary to maintain operational control of the border.

### **TITLE III – PREVENTING UNCONTROLLED MIGRATION FLOWS IN THE WESTERN HEMISPHERE**

- Authorizes the Secretary of State to seek to negotiate agreements between the United States and countries in the Western Hemisphere to ensure regional immigration enforcement.
- Requires that such agreements seek to ensure that Mexico allow illegal aliens applying for asylum in the United States to remain in Mexico while their applications are considered.

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## TITLE IV—ENSURING UNITED FAMILIES AT THE BORDER

- Reverses judicially imposed restrictions on detention of families that have led to unsustainable catch-and-release practices.
- Clarifies that families must be detained together if an alien enters illegally with minor children and that there is no presumption that an accompanied alien child should not be detained.

## TITLE V—PROTECTION OF CHILDREN

- Applies consistent requirements for expeditious processing, screening and repatriation of unaccompanied alien children (UACs) to their home country, regardless of national origin.
- In the event that UACs are not repatriated due to a credible fear of persecution and/or human trafficking in their home country, the bill mandates that the child’s hearing before an immigration judge occur within 14 days after being screened.

## TITLE VI—VISA OVERSTAYS PENALTIES

- Applies the same civil and criminal penalties for illegal entry to aliens who overstay their visas by 10 days or more days.
- Deters illegal immigration by those who overstay visas by increasing the civil penalty for illegal entry or attempted illegal entry from a range of \$50 to \$250 to a range of \$500 to \$1,000.

## TITLE VII—IMMIGRATION PAROLE REFORM

- Significantly limits the Secretary’s parole authority so that broad, category-based parole programs cannot be established to circumvent Congress.
- Requires that parole be individually determined, based on strict new definitions of “significant public benefit” or “urgent humanitarian reasons.”
- Limits parole to one year and up to a one-year extension, and prohibits the ability of those on parole to work in the United States, with limited exceptions.

## TITLE VIII—LEGAL WORKFORCE

- Mandates the use of E-Verify for all employers in a responsible, phased-in way.
- Repeals the paper based I-9 system, and gives employers a free, web-based system to verify the status of new hires.
- Increases penalties for noncompliance and hiring of illegal aliens.