

After amendments, Trigger 2 includes apprehending 90% of visa overstayers, who represent 40% of immigrants currently in the US without status

S. 744: SUMMARY OF BORDER SECURITY AND ENFORCEMENT PROVISIONS sect 3-6, Title I: BORDER SECURITY

Goals and Triggers: The bill makes legalization dependent on new goals for militarizing the border. There are two steps called “triggers”: the first determines when people can apply for a temporary status called RPI; the second determines when people can apply from RPI to a green card. (Sect 3, Sect 5)

Trigger 1. Applications for RPI will only be processed after DHS submits (and begins to implement) two Strategic plans on how to achieve the new goals of border militarization. Trigger 1 = min 180 days

Trigger 2: Before people can be processed to apply from RPI to green card (sect 3a, b) :

1. DHS must certify to Congress that the border goals have been met and the border is effectively secure
 - 24 hours per day, 7 days per week surveillance of the border
 - catching 90% of people who try to cross without permission
2. DHS must implement a mandatory national E-Verify system for all employers
3. DHS must implement an electronic exit system to collect visa/passport information from all planes or ships leaving the country.

Exception: DREAMers and people granted agriculture-card status. *This trigger may be invalidated if there are legal challenges to this bill, or if it is challenged in the supreme court within 10 years*

What does “border security” mean? (sect 5, sect 6, Title I):

NEW SECURITY PROGRAMS:

- construction of new border walls, (sect 5)
- implementation of national E-Verify system (sect 5)
- drones and other military equipment (sect 5, TITLE 1, sect 1106)
- minimum 3,500 additional border patrol troops TITLE I, sect 1102
- deploying the National Guard along the border (TITLE 1, sect 1103)

After amendments:

- \$42 billion total budget for border militarization
- 20,000 new troops
- 350 miles of new border wall

INCREASE IN EXISTING BORDER ENFORCEMENT: (Title 1, sect 1104):

- Operation Streamline, increase by 3 times the prosecutions of people caught crossing the border in Tucson: from 70 to 210 people prosecuted per day
- reimburse local, state and tribal police of the southwestern states for costs of detaining immigrants - (whether or not they are convicted of anything);
- build additional border patrol stations

INCREASE INTERIOR ENFORCEMENT (Title I, sect 1107,1109, 1010 also see Title III)

- extending State Criminal Alien Assistance Program (SCAAP)
- extends communication between federal, state and local police
- increased funding for counter-terrorism programs in all states (Operation Stonegarden)

Costs: \$6.6 billion start-up funds in addition to the existing DHS budget (sect 6a); plus ongoing funds: yearly funds collected from immigrants (tax penalties, application fees) and from employers who them.

Where does border security apply? (Title I, sect 1105)

The Southwest Border Region: area within the US that is within 100 miles of the US-Mexico border, on all federal lands and Native American Nations. DHS has exceptional powers to waive legal requirements in order to build the wall and to patrol it. The bill limits judicial review of the actions of the DHS Secretary.