

**Coalition Border Security & Management Framework:
Comparison Chart**

	Coalition Border Security & Management Framework	Secure the Border Act of 2023 (H.R. 2)	Border Security & Asylum Reforms in National Security Supplemental (Senate Package)
Asylum Standard	<p>Raises the initial screening standard to a new, higher “significant possibility” standard. This requires a higher showing than the existing “credible fear” standard but lower than the “reasonable fear” standard. This standard would also be lower than a “more likely than not” standard.</p>	<p>Raises the initial screening standard so that a noncitizen would have to prove they were “more likely than not” to ultimately qualify for asylum to continue pursuing their protection claim.</p>	<p>Raises the initial screening standard from the existing “credible fear” standard to the higher “reasonable possibility” standard. This standard is lower than a “more likely than not” standard.</p>
Asylum Adjudications at U.S. Borders	<p>Establishes a new asylum process at U.S. borders. U.S. Citizenship and Immigration Services (USCIS) asylum officers would adjudicate most asylum claims at the border within 45-60 days.</p> <ol style="list-style-type: none"> 1. Asylum officers would conduct the initial screening interview, under the heightened “significant possibility” standard, within 14 days of the migrant entering the country. 2. After an individual passes the initial interview, an asylum officer would conduct a “final adjudication” interview within 45-60 days of the individual’s entrance into the U.S. and make a final determination. <p>A positive determination results in a grant of asylum, while a negative determination</p>	<p>Maintains the current asylum process at U.S. borders in which immigration judges adjudicate most asylum claims. There is no required time limit by which the cases must be completed.</p> <p>Various provisions in the legislation, described below, would significantly limit access to the existing asylum process.</p>	<p>Establishes a new asylum process at U.S. borders - <i>provisional noncustodial removal proceedings</i>. USCIS asylum officers would adjudicate most asylum claims at the border within six months.</p> <ol style="list-style-type: none"> 1. Asylum officers would conduct an initial screening interview, known as a <i>protection determination interview</i>, within 90 days of the migrant entering the country. 2. Asylum seekers who pass the initial interview or do not receive an interview within the original 90-day timeframe must have a <i>protection merits interview</i> with an asylum officer within 90 days of initiation (i.e. being referred to the <i>protection merits interview</i>). <p>A positive determination results in a grant of asylum, while a negative determination</p>

	results in a removal order with a limited right to appeal.		results in a removal order with a limited right to appeal.
Process for Unaccompanied Migrant Children	<p>Unaccompanied minors would continue to be placed in the Department of Health and Human Services (HHS) – Office of Refugee Resettlement (ORR) custody upon arrival in the U.S., after spending no more than 72 hours in a U.S. Customs and Border Protection (CBP) facility.</p> <p>An asylum officer would adjudicate the unaccompanied minor’s claim for protection within 45-60 days. If the minor receives a negative determination, they would be referred to immigration court to proceed with a defensive asylum application process.</p> <p>They would be assigned a case manager to support their case throughout the process.</p>	<p>Extends the timeline to transfer unaccompanied minors to the custody of HHS – ORR from 72 hours to 30 days, significantly expanding the time that migrant children could be held in CBP facilities. States the sense of Congress that these provisions satisfy the Flores Settlement Agreement requirements, which govern the detention of minor children.</p> <p>Fast-tracks removal proceedings for unaccompanied minors so that hearings take place within 14 days of an initial screening. The initial screenings would occur within 48 hours of apprehension.</p> <p>Requires the immediate return of all unaccompanied minors to their countries of origin if they are not trafficking victims and do not express a fear of return.</p>	<p>Unaccompanied minors would continue to be placed in HHS - ORR custody upon arrival in the U.S., after spending no more than 72 hours in a CBP facility.</p> <p>Unaccompanied minors are exempt from the new asylum process at U.S. borders. Instead, they would continue to be referred to an immigration court.</p> <p>The bill requires HHS to ensure unaccompanied minors 13 years old and younger in removal proceedings have legal representation (which is currently not required). It also requires HHS to ensure to the greatest extent possible that all unaccompanied minors have access to counsel.</p>
Border Emergency Authority (“Expulsions”)	<p>The framework does not include emergency expulsion authority for the executive branch. It continues to rely on Title 8 authority to permit the executive branch to expel migrants at the U.S.-Mexico border and elsewhere.</p>	<p>Allows the Department of Homeland Security (DHS) secretary, at his or her discretion, to indefinitely suspend access to a land or maritime border for migrants who enter without admission or parole if doing so would help achieve “operational control” at the U.S. borders.</p> <p>“Operational control” is broadly defined as “the prevention of all unlawful entries into the United States.”</p>	<p>Establishes an emergency authority to “respond to extraordinary migration circumstances,” allowing the executive branch to expel migrants at the U.S.-Mexico border.</p> <p>The authority <i>may</i> be used if encounters reach 4,000 to 4,999 migrants on average each day for seven consecutive days. The authority <i>must</i> be used if encounters reach more than 5,000 migrants on average each day for seven consecutive days, or more than 8,500 migrants on a single day.</p>

<p>Migrant Protection Protocols (“Remain in Mexico”)</p>	<p>The framework does not include a policy that mirrors the Migrant Protection Protocols (“Remain in Mexico”).</p>	<p>Expands the use of programs modeled after the Trump administration’s Migrant Protection Protocols (MPP), so that migrants are returned to Mexico or Canada pending their removal proceedings or reviews.</p> <p>Requires the U.S. to negotiate an international agreement where the Mexican government would accept the continued presence of non-Mexican asylum seekers during their adjudications for asylum in the U.S.</p>	<p>The legislation does not include a policy that mirrors the Migrant Protection Protocols (“Remain in Mexico”).</p>
<p>Asylum Bars (“Third Country” & “Relocation”)</p>	<p>The framework does not include bars on asylum eligibility based on travel through a third country or the opportunity to relocate within one’s home country.</p>	<p>Bans most asylum seekers from requesting protection at a U.S. border if they traveled through a third country en route to the U.S. and had not already been denied asylum there.</p> <p>Codifies an exception to asylum eligibility (“asylum bar”) for anyone who could reasonably avoid persecution by relocating elsewhere in their home country, in lieu of seeking protection in the U.S.</p>	<p>Does not include a bar on asylum eligibility based on travel through a third country.</p> <p>Codifies an exception to asylum eligibility (“asylum bar”) for anyone who could reasonably avoid persecution by relocating elsewhere in their home country, in lieu of seeking protection in the U.S. Allows asylum officers to deny protection to anyone if they were firmly resettled elsewhere before coming to the U.S.</p>
<p>Parole at the U.S. Border</p>	<p>The framework does not include provisions limiting or otherwise related to the use of parole at U.S. borders.</p>	<p>Limits the use of parole for migrants who arrive to the U.S. by land, air, and sea.</p> <p>In particular, the bill redefines what it means for parole to be granted on a “case-by-case basis,” so that such grants cannot be made categorically based on membership in a defined class of</p>	<p>Limits the use of parole for migrants who arrive to the U.S. by land (<i>i.e.</i> borders with Mexico and Canada), with some specific exceptions (<i>see below</i>). The bill does not limit the use of parole for migrants arriving at a port of entry by air or sea.</p>

		<p>noncitizens. This would impact parole grants at U.S. borders, as well as prevent the creation of humanitarian parole programs similar to the parole programs for nationals from Ukraine and Afghanistan. It would also end the humanitarian parole programs for nationals of Cuba, Haiti, Nicaragua, and Venezuela.</p> <p>Narrowly defines “urgent humanitarian reason” to mostly encompass medical emergencies, the imminent death of a family member in the U.S., or the funeral of a family member. Defines “significant public benefit” to apply to a foreign national who is assisting the U.S. government in a law enforcement matter.</p>	<p>This would not impact the creation of parole programs similar to the parole programs for nationals from Ukraine and Afghanistan. It would also not impact the humanitarian parole programs for nationals of Cuba, Haiti, Nicaragua, and Venezuela.</p> <p>Exceptions at land POEs must fall under one of the following categories: 1) an exigent medical circumstance, 2) significant law enforcement or intelligence purpose, 3) urgent humanitarian reason pertaining to the individual migrant, 4) a tribal religious ceremony or other culturally important purpose, 5) an accompanying migrant whose presence in the U.S. is necessary for a migrant who meets the criteria in categories 1 to 4, and 6) an individual returning on Advance Parole.</p>
Processing at Ports of Entry (POEs)	<p>Supports an orderly and expedient process to request asylum at Ports of Entry (POEs), serving as a preferred alternative to irregular migration between POEs.</p> <p>The Office of Field Operations (OFO) would establish capacity at POEs to process up to 52,000 asylum claims per month.</p>	<p>Generally restricts access to asylum claims to only those migrants who arrive in the U.S. at an official port of entry.</p>	<p>Supports an orderly and expedient process to request asylum at Ports of Entry (POEs). Even when the emergency expulsion authority is activated, CBP must process at least 1,400 migrants each day across all southwest land border ports of entry.</p>
CBP One	<p>Permits DHS to use a mobile application – like CBP One – for migrants to schedule appointments to orderly present themselves for inspection and make a claim for asylum at a Port of Entry (POE).</p>	<p>Limits use of the CBP One application and other similar platforms only for the inspection of perishable cargo, barring its use for the scheduling of immigration interviews for people at POEs.</p>	<p>Places limits on CBP One to parole asylum seekers into the U.S. However, the application could continue to be used at POEs to schedule appointments once the new asylum adjudications process - <i>provisional noncustodial removal proceedings</i> - goes into effect.</p>

Border Fines	Establishes a \$500 border fine per person encountered between ports of entry (POEs), including if the individual requests asylum and regardless of the final determination of their asylum claim, to encourage individuals to make claims at POEs.	Imposes a fee of not less than \$50 to apply for asylum.	The legislation does not include additional border or asylum fines and fees.
NGO Funding	Authorize DHS to reimburse border and other impacted communities, faith groups, medical facilities, and other non-governmental organizations for additional expenditures relating to welcoming vulnerable migrants.	Bars funds from being disbursed to organizations and facilities that “facilitate[] or encourage[] unlawful activity,” defined to include unlawful entry, or that facilitate transportation, lodging, or immigration legal services for people who are inadmissible.	Provides \$1.4 billion to support sheltering and related humanitarian assistance for asylum seekers and migrants through the Shelter and Services Program (SSP) at FEMA.
Processing Centers & Detention	<p>Requires the creation of regional central processing centers (CPCs) in high-traffic sectors along the U.S. southern borders. These facilities would hold most single adult individuals for the duration of the asylum adjudication process, including their “significant possibility” interview. Families with children would be released through the Alternatives to Detention (ATD) program.</p> <p>The adjudication process should be completed within 45-60 days.</p>	<p>Requires the DHS secretary to expand Immigration and Customs Enforcement (ICE) detention capacity, including by potentially reopening detention facilities that have been closed or whose use has been altered. Limits release from detention for asylum seekers with positive credible fear determinations, requiring immigration detention for the duration of their asylum adjudication process. With some cases taking multiple years, this provision would mean lengthy periods of detention.</p> <p>Modifies Flores settlement agreement to explicitly end the existing presumption against detaining a noncitizen child accompanied by family, making it easier for families with minor children to be held in detention indefinitely.</p>	<p>Includes: \$3.2 billion for additional ICE immigration detention capacity.</p> <p>Asylum seekers referred to <i>provisional noncustodial removal proceedings</i> may be released from DHS custody while they wait for the protection determination interview, but they will be subject to the Alternatives to Detention (ATDs) program for the duration of the proceedings.</p> <p>The adjudication process should be completed within six months.</p>

<p>Personnel and Technology</p>	<p>Requests funding to hire additional USCIS asylum officers, Border Patrol agents, and port of entry (POE) officers.</p> <p>Requests funding for CBP to upgrade and/or purchase modern border security technology to support the agency's operation requirements, including the creation of physical barriers where necessary.</p>	<p>The legislation provides limited funding to hire additional personnel or support additional border security technology. It provides about \$600 million for Border Patrol agent retention bonuses and border security technology enhancements.</p>	<p>Includes approximately \$18.3 billion in supplemental funding for DHS, a significant investment to implement the bill's new border policy and asylum process changes.</p> <p>Funding would support 4,338 USCIS asylum officers, as well as additional Border Patrol agents and POE officers.</p> <p>CBP would receive \$3.9 billion (from the \$18.9 billion) to manage and enhance border security.</p>
<p>E-Verify</p>	<p>The framework does not include an E-Verify provision.</p>	<p>Enacts a nationwide requirement, for the first time, that employers verify the eligibility of all workers to legally work in the U.S. Expanding E-Verify without an accompanying legalization of workers would threaten key industries dependent on immigrant workers – like agriculture, hospitality, and construction.</p>	<p>The legislation does not include an E-Verify provision.</p>
<p>Other Major Provisions</p>	<p>Supports investments in interdiction programs and technology at the border to stop the flow of illicit fentanyl and other illicit substances into the U.S.</p> <p>Updates federal law and processes to better respond to human smuggling and trafficking cases, particularly in cases involving migrant children.</p>	<p>Establishes criminal penalties for individuals who overstay a visa in the U.S. for ten or more days. Under current law, overstaying a visa is a civil violation.</p> <p>Allows the attorney general of a state to bring legal action against the DHS Secretary to obtain injunctive relief if there is a policy the attorney general believes violates the detention, return, or removal of immigrants.</p>	<p>Adjusts the status of Afghan nationals who were admitted or paroled into the U.S. after July 30, 2021 following completion of a vetting process. This section is similar, but not identical, to the Afghan Adjustment Act of 2023.</p> <p>Authorizes an additional 250,000 immigrant visas over five fiscal years (FYs 2025 to 2029).</p> <p>Provides legal status to a significant portion of Documented Dreamers - there are</p>

			approximately 200,000 Documented Dreamers in the U.S. They grew up in the country as children of long-term visa holders, but “aged out” of the temporary legal status derived through their parents’ visas after turning 21 years old.
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