



AMERICAN  
IMMIGRATION  
LAWYERS  
ASSOCIATION

**AILA Recommends VOTE YES on the  
USA Act of 2018  
Sponsored by Senators McCain (R-AZ) and Coons (D-DE)**

The McCain/Coons USA Act amendment includes the full Dream Act and provides a path to citizenship for Dreamers. The USA Act also includes smart measures on border security that include oversight and accountability measures requested by border communities. AILA has serious reservations about the hiring of additional immigration judges and believes it should only be done if accompanied by reforms to the immigration court system that will ensure due process and fairness.

A **YES vote** on the USA Act would provide a bipartisan path forward to solving the urgent crisis facing our country: that thousands of Dreamers have lost or will lose their DACA protection and are vulnerable to enforcement and deportation.

**Dreamer Protections in the USA Act of 2018:**

*Grants conditional permanent resident status to Dreamers who meet certain eligibility requirements, including being continuously physically present in the U.S. since December 31, 2013 and under the age of 18 when they entered the U.S.*

- Applicants are disqualified if they are subject to specified inadmissibility grounds or ordered, incited, etc. persecution. Also disqualified if they have committed a felony, significant misdemeanor, or three or more misdemeanors. Some waivers are available.
- Applicants must be admitted to higher education, enrolled in certain secondary education programs, or achieved a high school diploma or equivalent to qualify.
- Applicants must generally pay a fee, undergo background checks and biometrics checks.
- The government may not remove anyone who appears to be prima facie eligible for relief. Also provides stay of removal to qualified children over 5 and enrolled in school.
- Conditional status is valid for 8 years, subject to termination if certain criteria aren't met.

**Applicants can remove conditions if there are still no inadmissibility/criminal bars that apply, they have not abandoned residence, and have:**

- Acquired a degree, or completed 2 years of a degree in good standing; has served in armed forces for period obligated to serve; or have been employed for at least 3 years + at least 80% of the time that the person has a work authorization (unless enrolled in school).

- Time spent in CPR status counts towards the number of years to naturalize, but applicants cannot naturalize while they're in CPR status. If someone meets requirements to remove conditions when submitting their application for CPR, DHS will grant LPR status.
- Includes confidentiality provisions.

## **Border Technology**

- ***Does not include funds*** for a border wall or physical barrier or border patrol agents.
- ***Deploys Technology at the Border:*** Deploys "the most practical and effective" technology along the border to reach situational awareness and operational control of the border by January 20, 2021. Technology includes: radar systems tunnel detection technology, sensors, unmanned cameras, unmanned aerial vehicles, and a catch all phrase for future new technology.
- ***Develop a Comprehensive Southern Border Strategy:*** Calls for comprehensive, mile-by-mile border strategy containing a list of physical barriers, technologies and tools that can be used to secure the border and their projected per mile cost estimate and cost justification.
- ***Increase Flight Hours:*** Increase flight hours to at least 95,000 hours a year; Mandates unmanned aerial systems be operated for at least 24 hours a day for 5 days.
- ***Invest in Ports of Entry Infrastructure:*** Authorizes DHS to construct new ports of entry along the northern and southern borders, and expand/modernize ports of entry in the southern border.
- ***Authorize Operation Stonegarden:*** Operation Stonegarden is formally authorized as a program. The bill would authorize \$110 million for each of fiscal years 2018 through 2022 to increase collaboration between CBP and state and local law enforcement entities to support border security operations.
- ***Establishes Southern Border Region Emergency Communications Grant:*** Two year grant program established to improve emergency communications in the southern border region.

## ***Immigration Courts***

- ***Increases hiring of immigration judges, staff support, and BIA staff,*** including 55 new IJs per 23 new BIA staff attorneys, and IJ staff support. Also requires well-trained, impartial, diverse pool of IJs with balance of individuals from private bar, NGOs bar, academia, and public sector.
- ***Requires specialized mandatory training of IJs and BIA members*** on procedural issues, including training on vulnerable populations (domestic violence, sexual assault, children, trafficking), as well as continuing education.

## ***Reforms in Central America***

- *Creates program to develop comprehensive approach to address factors driving migration in Central America*, including designation of a coordinator who reports to the President and will spearhead efforts to address gangs, illicit trafficking, human smuggling, and more. Report to be submitted to Congress.