



BIPARTISAN POLICY CENTER

A Roadmap for a DACA Deal



As Congress begins to act on a possible bipartisan deal that pairs a permanent legislative solution for DREAMers and increased border security, there is broad support across both parties for passing a permanent fix for this group. A majority of Americans—and a majority of Trump supporters—also favor this.

The good news: there is a bipartisan deal to be had on DACA; permanent status for DREAMers in exchange for additional border security. That high-level outline seems like an easy win for the president, Congress, and DREAMers. Not only that, but it makes for good policy.

Finding agreement will mean that DACA legislation cannot become a “wish list” for either interior enforcement on the right or more expansive immigration reforms on the left. However, there is significant space to find common ground.

We believe that broad bipartisan consensus exists in both chambers for legislation that provides permanent status for DREAMers, as long as it is paired with increased border security. Specifically, we think the following provisions could be included in the contours of strong bipartisan agreement.

PROVISION ON DREAMERS

The provisions of an agreement on DREAMers should be narrowly tailored to this group, and resist attempts to address broader immigration issues at this time. However, there are three areas that need to be dealt with: who is included, the path to a green card, and whether to allow DREAMers to sponsor their parents.

Who Should Be Included

- At a minimum, all those who would have qualified for DACA should be included. This is the group most immediately at risk and that has built lives based on the admittedly temporary provisions granted to them under the DACA program.
- However, given the time since the original DACA program was created in 2012, and that the program arbitrarily limited eligibility to those under 31 at the time of application, there are many others also brought as children who should also be considered. This group has collectively been known as the “Dreamers”.
- In determining the crimes that may make someone ineligible, a distinction must be made between those crimes that are specifically related to the individuals’ immigration history and those crimes that are of serious public safety concern. Despite their immigration law violations, those people that have otherwise shown themselves to be upstanding members of American society should be allowed to legalize.

Path to a Green Card

- A final agreement should provide for an immediate protection from removal and a path to a green card after meeting conditions such as work, study, or service in the armed forces. This is an absolute requirement. No more temporary fixes—give these young people certainty and stability.
- Additionally, since these folks have been raised in the United States and see themselves as Americans, they should be allowed to apply for citizenship on the same terms and conditions as other green card holders.

Addressing the Parents of DREAMers

- Even under DREAM legislation, absent other changes in law, it would be virtually impossible for a DREAMer to successfully sponsor an undocumented parent or any family member who entered the country illegally for a green card.
- While we support eventual legislation for the parents of DREAMers or any other undocumented immigrants, it is now clear that addressing their status in this bill would cause one side or the other to block the legislation, and so we believe it should not be included at this time.

PROVISIONS ON ENFORCEMENT

President Trump has called for funding a border wall while Democrats have opposed it. Despite the challenge of defining border security measures there are three key elements to a secure border: technology, infrastructure, and personnel. BPC has pulled together a variety of options to secure the border that we think, in some combination, should be paired with a fix for DREAMers. Many of these have already been introduced or considered by committees. Ideally, technology and infrastructure decisions should be guided by optimal operational effectiveness as determined by metrics developed and measured by Customs and Border Protection (CBP).

Technology

Securing the border requires more than just physical infrastructure. Technology has been used on the border for decades to detect intrusions, provide situational awareness through surveillance, and enhance agent response.

- Deploy region-specific technology to appropriate sectors of the southern border, such as radar surveillance systems; Vehicle and Dismount Exploitation Radars (VADER); 3-D Seismic Acoustic Detection and Ranging Border Tunneling Detection Technology; unmanned cameras; air support, such as man-portable and mobile vehicle-mounted unmanned aerial vehicles; sensor equipment; and drones.

Infrastructure Improvements

Infrastructure includes not just fencing and other barriers, but also roads and access to the border and areas along the border for agents to respond. Buildings, sector stations, and other operating bases are also included. Finally, securing the border must include our ports of entry, through which both billions in legitimate travel and commerce enter as well as illegal immigration, drugs, and other contraband. Specific options could include:

- Rebuild roads along the border; clear sightlines and invasive species along the Rio Grande such as carrizo cane; upgrade and install physical barriers in appropriate sectors, including additional pedestrian barriers in sectors with significant pedestrian crossings, replace vehicle barriers with pedestrian barriers where appropriate, boat ramps, access gates, forward operating bases, checkpoints, lighting, roads, and levee walls; upgrade and maintain CBP Forward Operating Bases, including perimeter security, portable generators, interview rooms, adequate communications including wide areas network connectivity and cellular service, potable water, and helicopter landing zones.
- Improve security and enforcement technology at ports of entry through additional cameras/surveillance of traffic/pedestrian areas, non-intrusive inspection technology improvements, development and deployment of hand-held technologies for data and detection, expansion of facilities to allow for secondary inspection, and improving border crossing processing times.

Personnel

Focus on Border Patrol agent numbers should not obscure needs for fully staffing ports of entry, and current difficulties in hiring and retaining agents and officers should be addressed before significantly increasing authorized personnel. However, the following could be considered:

- Increase the number of CBP officers at ports of entry; increase training for CBP officers and Border Patrol agents; fully staff officers and agents to current authorized levels and, once staffing levels are reached, increase numbers of Border Patrol Agents to at least 26,370 full-time agents if evidence of increases in attempted entries or new threats at the border; increase use of K-9 and horseback patrols, including additional K-9 teams at ports of entry; focus on recruitment and retention including increased funding for CBP retention efforts and retention bonuses after completing five years of service, promote entry levels from GS-5 to GS-9, establish a program to actively recruit members of the reserve component of the armed forces and former members of the armed forces to CBP, and provide additional incentives to agents and officers stationed in more remote areas with limited services, housing, and amenities for families; increase and maintain Office of Air and Marine Operations flight hours at 95,000 annually; promote tactical flexibility by authorizing the transfer of border agents based on operational necessity, provide incentives for more remote assignments, and consider additional non-agent or contract support for non-frontline positions such as operation centers or back office and additional headquarters positions that do not require law enforcement designation to allow law enforcement officials to serve on front lines.

Miscellaneous

Other provisions that could be considered:

- Direct the secretary of the Department of Homeland Security to come up with a Comprehensive Southern Border Strategy/Southern Border Threat Analysis, consulting with governors of agriculture and border states and local governments, to minimize the impact of border security measures of landowners, the environment, commerce, and culture; promote state and local law enforcement grants for updated communications equipment; and require annual reporting to Congress and the public on extensive metrics on how the increased efforts have affected entry attempts and successful or unsuccessful border crossings.

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