

**Connecticut Debate Association
Stamford High School
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THW require asylum applications be approved before entry into the US.

Info Slide: Currently anyone entering the US without proper documentation, e.g., a valid entry visa or passport from a country where the US does not require a visa, may be refused entry or deported.

However, if someone enters and applies for asylum they are permitted to stay in the US until their asylum application is heard by an immigration court.

Note: An “Info Slide” has the same status as the motion, in that it binds and can be relied upon by both teams.

Biden Mulling Plan That Could Restrict Asylum Claims at the Border

New York Times By Hamed Aleaziz, Charlie Savage, Maggie Haberman and Zolan Kanno-Youngs
02/21/2024

The action under consideration could prevent people from making asylum claims during border crossing surges. The White House says it is far from a decision on the matter.

President Biden is considering executive action that could prevent people who cross illegally into the United States from claiming asylum, several people with knowledge of the proposal said Wednesday. The move would suspend longtime guarantees that give anyone who steps onto U.S. soil the right to ask for safe haven.

The order would put into effect a key policy in a bipartisan bill that Republicans thwarted earlier this month, even though it had some of the most significant border security restrictions Congress has contemplated in years.

The bill would have essentially shut down the border to new entrants if more than an average of 5,000 migrants per day tried to cross unlawfully in the course of a week, or more than 8,500 tried to cross in a given day.

The action under consideration by the White House would have a similar trigger for blocking asylum to new entrants, the people with knowledge of the proposal say. They spoke on the condition of anonymity to discuss internal deliberations.

The move, if enacted, would echo a 2018 effort by President Donald J. Trump to block migration, which was assailed by Democrats and blocked by federal courts.

Although such an action would undoubtedly face legal challenges, the fact that Mr. Biden is considering it shows just how far he has shifted on immigration since he came into office, promising a more humane system after the Trump years.

Mr. Biden has taken a much harder line as the number of people crossing the U.S.-Mexico border has reached record levels and the chronically underfunded and understaffed asylum system reaches a breaking point.

Still, even if Mr. Biden tried to take unilateral action to cut down on the number of people claiming asylum, a lack of resources would still be an enormous obstacle to any major changes at the border. U.S. officials have said that they needed a massive infusion of cash to hire Border Patrol agents and asylum officers and to expand detention facilities.

The bill that failed in Congress would have provided billions in funding, including the hiring of thousands of asylum officers to process claims.

“No executive action, no matter how aggressive, can deliver the significant policy reforms and additional resources Congress can provide and that Republicans rejected,” said Angelo Fernández Hernández, a White House spokesman. He would not give details about what the White House was considering. But the people with knowledge of the proposal said Mr. Biden could cite his authority to act under Section 212(f) of the 1952 Immigration and Nationality Act, which allows the president to suspend immigration for anyone determined to be “detrimental to the interests of the United States.” Mr. Trump used the same authority to impose a ban on people from several predominantly Muslim countries during his presidency.

Lee Gelernt, a lawyer with the American Civil Liberties Union who helped argue against the Trump effort, said his group would most likely challenge such a policy, depending on its details.

“The courts were emphatic that the Trump administration could not deny asylum based simply on how one entered the country,” Mr. Gelernt said. “Hopefully the Biden administration is not considering recycling this patently unlawful and unworkable policy.”

...The Biden administration has spent several years trying to curb migration, in part by limiting asylum for those who crossed through Mexico on their way to the United States. That policy made it more difficult for migrants to obtain asylum if they crossed through a third country on the way to the United States and did not apply for protections there.

But while the policy restriction raised the bar for migrants to gain asylum, U.S. officials cannot carry it out properly without the kind of resources Mr. Biden had hoped that Congress would approve.

Some of the circumstances at the southern border are well beyond the president’s control, including historic migration across the hemisphere from Venezuela, Haiti, Honduras and other countries facing instability, violence and natural disasters...

Biden’s alleged anti-asylum plan revives failed Trump-era policy and violates international law, critics warn

The Independent, by Alex Woodward 02/22/2024

President Joe Biden’s reported plan to restrict the right to claim asylum at the US-Mexico border has alarmed members of Congress and civil and humanitarian rights groups who fear the administration could be in breach of international law. The president is reportedly mulling executive action to block people who cross the southern border without legal permission from claiming asylum once inside the US, upending guarantees that protect asylum rights for people on US soil. Such a proposal, which would bypass Congress, would mirror an illegal Trump-era measure that a federal judge had previously rejected as an unlawful attempt to “rewrite” the nation’s immigration laws to “impose a condition that Congress has expressly forbidden.”

Mr Biden’s proposed order would reportedly invoke Section 212(f) of the 1952 Immigration and Nationality Act, which allows the president to suspend immigration for anyone determined to be “detrimental to the interests of the United States” – the same authority Donald Trump used to unilaterally ban immigrants from majority-Muslim countries, which was later struck down in court.

The Biden administration also would reportedly raise the standards for border agents’ “credible fear” screenings for people seeking asylum and establish a “last in, first out” policy for deportations.

“The clear intention behind President Biden’s newest proposed deterrence policy is to create so much fear, pain, and suffering at the border that vulnerable communities abandon their right to seek asylum and instead return to face the violence they are fleeing,” according to Amy Fischer, director of refugee and migrant rights with Amnesty International USA.

The changes would “undoubtedly violate both US and international human rights law that establish people may seek asylum regardless of whether they cross at a port of entry or between ports of entry,” she told The Independent.

Any attempt to revive policy that denies asylum based on where one enters the US “would just be another attempt at the exact policy Trump unsuccessfully tried and will undoubtedly end up in litigation,” according to American Civil Liberties Union attorney Lee Gelernt, who successfully fought the Trump administration’s asylum ban.

“The courts were emphatic that the Trump administration could not deny asylum based simply on how one entered the country,” Mr Gelernt told The New York Times. “Hopefully the Biden administration is not considering recycling this patently unlawful and unworkable policy.”

Congressional Progressive Caucus Chair Rep Pramila Jayapal called the proposal a “disappointing mistake.”

“Democrats cannot continue to take pages out of Donald Trump and Stephen Miller’s playbook,” said Ms Jayapal, referencing the architect of the Trump administration’s anti-immigrant agenda. “We need to lead with dignity and humanity.”

Reports of the proposal, which could still be weeks away from being implemented, follow the collapse of a Biden-approved immigration plan rejected by the Republican-controlled House of Representatives.

The failed plan would’ve provided billions of dollars to the border for, among other things, hiring thousands of officers to process asylum claims, as aggressive immigration enforcement and border patrol becomes a priority among Republicans and Democratic officials ahead of 2024 elections.

Migrant apprehensions at the US-Mexico border dropped by 50 per cent from December to January, according to federal data, though Acting US Customs and Border Protection Commissioner Troy Miller said this month that authorities “experience serious challenges along our border which surpass the capacity of the immigration system.”

The Universal Declaration of Human Rights and the United Nations Refugee Convention have affirmed asylum rights for people fleeing persecution and violence. In the US, a person granted asylum is legally allowed to remain in the country without fear of deportation, and qualifies for legal work with potential pathways to permanent legal status. Those claims can only be made at the US border or within the US.

Democratic members of Congress have derided the proposal as a worrying revival of Trump policy.

“People seek asylum because they fear for their lives,” said Democratic US Rep Chuy Garcia, a member of the Congressional Hispanic Caucus. “President Biden would be making a grave mistake if he moves forward with this policy.” Seeking asylum “is a legal right of all people,” said US Rep Alexandria Ocasio-Cortez. “In the face of authoritarian threat, we should not buckle on our principles – we should commit to them.”

The National Hispanic Caucus of State Legislators said the proposed plans “will do nothing to ameliorate or relieve the pressing need for comprehensive immigration reform” or support states with funding to support the US-Mexico border. “It will only cause more damage, risk and ruin more lives, and put a target on our communities for nothing in return,” according to the caucus. “The right to seek asylum is not a crime or a political toy. It’s also not a bargaining chip to use when it’s politically convenient. Seeking asylum is a right, one that can mean life or death to a lot of people, children, families, and must be treated as such.”

The Independent has requested comment from the White House.

A spokesperson did not comment on reports of Mr Biden’s proposed actions but underscored the administration’s support for bipartisan border legislation.

“The Administration spent months negotiating in good faith to deliver the toughest and fairest bipartisan border security bill in decades because we need Congress to make significant policy reforms and to provide additional funding to secure our border and fix our broken immigration system,” White House spokesperson Angelo Fernandez Hernández said in the statement.

“No executive action, no matter how aggressive, can deliver the significant policy reforms and additional resources Congress can provide and that Republicans rejected,” he added. “We continue to call on Speaker Johnson and House Republicans to pass the bipartisan deal to secure the border.”

7 questions about migration and the US-Mexico border, answered

Vox, By Abdallah Fayyad, Nicole Narea, and Andrew Prokop Feb 9, 2024, 6:00am EST

Record numbers of people crossed the US border last year. Here’s a guide to understanding what’s happening.

The biggest spectacle in Washington this week was the unraveling of an immigration deal in Congress, a border security bill that Republicans pushed for, only to turn against it because former President Donald Trump didn’t want any legislation that might help President Biden stay in the White House this fall.

But more complicated and consequential is what’s been happening on immigration far from Washington. And although the political stakes of immigration in Congress and at the White House are high in an election year, they are far higher for the growing number of migrants who have been making their way to the US in recent years.

Here are the answers to seven big questions about migrants, immigration, and the situation on the US border and beyond.

1) What’s happening at the US-Mexico border?

Many more people than usual are trying to cross into the United States. The number of times US immigration agents intercepted migrants attempting to cross the border exceeded 300,000 in December, the highest number in over two decades and up from about 250,000 in December 2022. Those numbers are largely driven by migrants coming from Central and South America, the Caribbean, Cuba, and Haiti, though Chinese migrants are the fastest-growing group of arrivals. Many of those intercepted at the border are turned away immediately under current policies, but those who are allowed to pursue their claims for asylum or humanitarian relief can either be detained or released into the US while undergoing deportation proceedings that can stretch out for years. Almost 200,000 migrants were released and enrolled in case management programs in fiscal year 2023.

There are signs that migrant arrivals slowed in January, though US immigration officials have yet to release the official count for the month. Daily totals had just about halved by the end of January from their peak in December. But such a decline is typical over the winter months.

While border crossings are an important part of the story, a wave of migrants is also challenging leaders in cities — especially blue cities — much farther away. Texas alone has sent more than 100,000 migrants to Washington, DC, New York City, Chicago, Philadelphia, Denver, and Los Angeles since 2022, and still more migrants are making their way to those cities on their own.

2) Is unauthorized immigration a bigger problem now than in the past?

It depends on whom you’re asking. Controversies over unauthorized immigration have roiled American politics for decades, with conservatives regularly complaining that too many people were coming in illegally. Some complaints are false or exaggerated — that unauthorized immigrants lower Americans’ wages or take their jobs (rarely true), or that they’re more likely to commit crimes (they’re less likely). Some objections are based on pure bigotry or xenophobia. And some are more practical — that it’s simply disruptive, difficult, and expensive to deal with a huge inflow of migrants to your area.

Progressives have in recent years typically argued that such complaints are exaggerated or simply didn’t give them much priority. They argue that these migrants typically come with nothing and risk everything for a shot at a better life, that they make America better, and that there’s a moral imperative to help them. During the Trump presidency especially, the Democratic Party embraced openness to immigration to differentiate themselves from the president’s bigotry and cruelty. “In this house, we believe ... no human is illegal,” the yard signs read. “We’re a nation that says, ‘If you want to flee, and you’re fleeing oppression, you should come,’” Biden said while running for president in 2019.

But since Biden took office, a few things have changed. The numbers went way up — a whole lot of people are coming to the border and trying to gain entry to the United States, more than have been coming for many years, leading to many chaotic-looking scenes at the border. Some leading Democrats in blue states and cities began saying this surge in arrivals was causing serious strain on their government and budgets. And, perhaps most importantly, the Biden administration began to fear that the issue was hurting them politically.

3) Is the border situation really a crisis?

For most of the decade before Biden took office, US Customs and Border Protection had 400,000 or 500,000 “encounters” with migrants at the southern border each year. Under Biden, the average number has been about 2 million a year, with 2023 being the highest yet.

Republicans have complained about a “crisis” at the border for years, even when the number of arriving migrants was much lower. But the complaints got more bipartisan in 2022 and 2023, when some Democratic politicians in blue states and cities seeing an influx of migrants began complaining that they were overwhelmed. Their shelter systems, schools, and budgets

were becoming seriously strained with the challenge of helping so many needy people, they said. New York City Mayor Eric Adams led the backlash, claiming last year that the migrant issue “will destroy New York City.” Mainstream media outlets like the New York Times also now often refer to the situation as a “crisis.”

Other Democrats and progressives have pushed back on that framing, saying that the US is the richest country in the world, so surely it can muster the financial resources and compassion to help these people who have clearly been driven to desperation in search of a better life. But the “crisis” argument has won out in the White House, and helped drive President Biden’s effort to make major border policy concessions to the GOP in hopes of striking a bipartisan border policy deal. The “crisis” argument also benefits Trump, who urged Republicans not to take such a deal, reportedly because he hoped to blame Biden for continuing border chaos during the campaign.

4) Why are so many migrants coming to the US now?

The new migrants are coming from a variety of places — most notably Venezuela, but also elsewhere in Central and South America and even China. Many make a long and arduous land journey, passing through several countries after paying an increasingly sophisticated people-smuggling operation linked to cartels.

There are two competing narratives on why this massive surge has happened. Progressives often prefer to emphasize what are known as the “push” factors — the conditions that drive migrants to leave their home countries, like the catastrophic collapse of Venezuela’s economy and degradation of conditions in Nicaragua and Haiti. Crises like these, they argue, have simply gotten worse in recent years, both in the region and around the world, spurring more people to take the risk of emigrating to the US in search of a better life. So progressives tend to argue that harsh border crackdowns and efforts at deterrence, in addition to being cruel and immoral, won’t work, since the true root cause lies in migrants’ home countries. In contrast, conservatives emphasize the “pull” factors, arguing that there are specific features of US and Biden administration policy and messaging that are driving the surge. People are mainly coming, they say, because they’ve heard that, with the way our system is set up, they have a pretty good shot at getting in. They know, for instance, that there’s a good chance that if they make an asylum request, they’ll be released into the US while their claims are being adjudicated — a process that can take years. They argue that with tougher policies of more detention, less leniency, and less generosity, fewer migrants will want to come.

5) What is asylum?

Under US and international law, migrants have the right to pursue asylum in the United States if they have “credible fear” of persecution in their home countries on account of their race, religion, nationality, political opinions, or membership in a “particular social group,” such as a tribe or ethnic group. People who are granted asylum in the US can get social services immediately and a green card quickly. But unlike refugees, who apply for resettlement abroad, asylum seekers must be physically in the US to apply.

The Biden administration has introduced new restrictions on asylum seekers, including a rule that allows immigration enforcement officials to turn away any migrants who do not have valid travel and identification documents and traveled through another country without applying for asylum. They must either show up at a port of entry at an appointed time or be able to demonstrate that they were unable to schedule an appointment.

There are some exemptions, including for unaccompanied children. If migrants intercepted at the border fail to abide by the requirements of the rule and to demonstrate during an initial interview with an asylum officer that they face “credible fear” of persecution in their home countries, they will be swiftly deported and barred from reentering the US for five years. Otherwise, they then have to defend their claim in immigration court, where an immigration judge will examine the evidence and decide whether to grant them asylum or any other form of deportation relief.

The immigration courts are chronically underfunded and have a backlog of more than 2 million cases. In 2023, resolving those cases took more than two years on average, during which time migrants may be detained or released into the US. Many migrants are forced to navigate the process themselves: Unlike in the criminal court system, there is no guarantee of legal representation.

6) Why are New York and other cities struggling so much to meet migrants’ needs?

The recent surge in the number of migrants coming from the southern border into big cities has overwhelmed already-strained services — including shelter, legal aid, and health care — leading state and local leaders to put pressure on the federal government to intervene. New York, for example, has attracted more than 150,000 migrants since 2022; the city has a right-to-shelter law that requires it to provide a bed for anybody seeking shelter, regardless of citizenship status, resulting in makeshift shelters at churches, gyms, and closed-down schools and offices to help house the growing migrant population.

What has made this particular migration wave more financially costly for cities than past eras of mass migration is a sharp increase in the number of families with children and the fact that many of the people coming to the United States don’t have family or friends who already live here and can help them settle in.

The migrants aren’t necessarily posing new problems for cities but instead further exposing longstanding ones, including the high cost of housing. And because Congress has significantly limited noncitizens’ access to federal social programs such as SNAP (food stamps) and Medicaid over the years, local and state governments are having trouble cobbling together enough money to cover the high financial costs of supporting migrants, many of whom have not been granted work authorization by the federal government. As a result, many migrant families have fallen through the cracks and have been

struggling with homelessness.

7) What could be done to help solve the border crisis?

Right now, with the patience of the American public running thin, both Republicans and Democrats seem more interested in pursuing policies that will help them look tough on the border in an election year, rather than a comprehensive approach to fixing the problem.

That's because it's a difficult problem to solve — but not an impossible one. Any solution has to balance the clear need to resolve migrants' cases more quickly with international obligations not to return asylum seekers to danger. Immigration policy experts have researched these potential solutions for years, but few of them have actually been seriously considered by Congress.

The American Immigration Council, a nonprofit, has issued a comprehensive list of recommendations, largely to invest more resources in various stages of the immigration process, including but not limited to:

- Before migrants reach the US border, supporting asylum processing and migrants' lives in South and Central America, and working with the Mexican government to expand shelter capacity and security
- Expanding physical infrastructure and staffing up at ports of entry
- Hiring more asylum officers
- Investing in alternatives to detention
- Providing legal representation to every migrant in immigration court who cannot afford to hire one themselves

They call for better cooperation between various government agencies and NGOs through the creation of a Center for Migrant Coordination and regional processing centers, as well as increasing pathways for people to stay in the country or avoid deportation.

They also want to modernize the legal definition of asylum in a way that would make more people eligible and reflect current needs — for example, something more akin to the 1984 Cartagena Declaration, which defines asylum as intended to protect people threatened by “generalized violence, foreign aggression, internal conflict, massive human rights violations, or other circumstances that have gravely disturbed public order.” This would likely increase the number of people eligible for asylum.

It's unrealistic, however, to expect that any one solution will lead to overnight success in solving the border crisis.

Refugees Make America Better Off

Forbes, by Stuart Anderson 05/26/2022

I write about globalization, business, technology and immigration.

Those restricting the entry of refugees and asylum seekers are wrong to argue humanitarian admissions make America poorer. New research shows refugees and asylum seekers make the United States better off.

Background: The Trump administration, including the president and his chief immigration advisor Stephen Miller, argued admitting refugees was bad for America. Donald Trump may have been the only president in U.S. history to deliver speeches vilifying refugees. Past presidents regularly extolled America's role as a place of safety for those persecuted abroad. Cliff Sims, a Trump communication aide, said Stephen Miller told him: “I would be happy if not a single refugee foot ever again touched American soil.”

As Michael Clemens, an economist at the Center for Global Development, discusses in an important paper, Trump and Miller translated their beliefs on refugees into the largest reduction in refugees in U.S. history—and the negative consequences to America will be long-lasting.

Clemens calculates an 86% decline in refugee arrivals between FY 2016 and FY 2020 due to Trump administration policies. Clemens is on the mark: a National Foundation for American Policy (NFAP) analysis found if, between FY 2017 and FY 2021, annual refugee arrivals had remained at the FY 2016 level of 85,000, nearly 300,000 more refugees would have arrived in the United States during those five years.

Clemens notes the number of asylum seekers—those who apply for protection *inside* the United States—also experienced a significant decline during the Trump administration. He identified a 68% drop in affirmative asylum applications between March 2017 and September 2019. The administration also restricted the likelihood of approval for individuals who applied for asylum as a defense against deportation.

Cutting Refugee Admissions Harms Americans: Clemens found restricting the number of refugees and asylum seekers harmed the U.S. economy and government finances. “Beyond claiming a need for protection, refugees and asylum seekers are economic actors,” writes Clemens. “All are consumers, most are (or become) workers, and many are (or become) investors. All incur fiscal costs by using public services directly or indirectly, and all generate fiscal revenue either directly or indirectly.

“A policy of reducing their numbers must have economic ripple effects. Estimating such effects is different from assessing the overall merit of the policy, given its many non-economic effects. A policy causing large reductions in immigration in general creates large negative effects on the overall economy and on the fiscal balance of government. There is no meaningful controversy in the economic literature about this general, qualitative conclusion.”

What Did Clemens Find?: “Today there are roughly 295,000 refugees ‘missing’ from the U.S. population due to the 86%

reduction in refugee resettlement starting in 2017—those who would be present now if refugee admissions during 2017–2021 had stayed at their 2016 levels,” according to Clemens. “These missing refugees cost the overall U.S. economy over \$9.1 billion each year (\$30,962 per missing refugee per year, on average) and cost public coffers at all levels of government over \$2.0 billion each year (\$6,844 per missing refugee per year, on average).

“These costs would continue permanently even if refugee inflows this year returned to their 2016 levels—because that would not replace the number ‘missing’ from the population due to earlier reduced inflows. Put differently, relative to 2019 levels, a 10 percent reduction in refugee resettlement to the United States likely causes a loss to the American economy of more than \$1.4 billion, and a loss to public coffers (federal, state, and local) of more than \$310 million, cumulatively over the subsequent five years.

“Turning to asylum seekers: A 10 percent reduction in affirmative and defensive asylum seekers likely causes a loss to the American economy of more than \$8.9 billion, and a loss to public coffers of more than \$1.5 billion, cumulatively over the subsequent five years.” (Emphasis added.)

During the Trump administration, the Department of Health and Human Services (HHS) completed a study that concluded, “Overall, this report estimated that the net fiscal impact of refugees was positive over the 10-year period, at \$63 billion.” However, the New York Times reported that White House immigration adviser Stephen Miller intervened to block the release of the positive findings, although they were leaked to the media.

Clemens points out the HHS report and others that use the “accounting” approach understate the positive fiscal effects of refugees because “they fail to account for any of the effects of refugees on the rest of the economy.” He notes that “hiring migrant workers raises the value of firms’ future stream of capital income” but using the “accounting” approach only considers taxes paid directly by refugees.

Are There Other Ways The Positive Impacts of Refugees Are Understated?: Nearly all studies on refugees may understate the positive impact of refugees due to limitations in the data. For example, it is difficult to include the impact of refugees who make significant individual contributions to the U.S. economy.

Andy Grove came to America after the 1956 Hungarian Revolution and went on to cofound—and then lead—the Intel Corporation, which helped propel America’s tech economy and create jobs, tax revenue and shareholder wealth. Another refugee, Sergey Brin, cofounded Google, a company that also has contributed to the U.S. economy. Google (Alphabet) has more than 150,000 employees and is valued today at over \$1.4 trillion. Al Goldstein entered America as a refugee and has founded two companies—Avant and Amount—that are valued at over \$1 billion each and employ more 1,000 people combined.

The Fiscal, Economic And Security Arguments: The research by Michael Clemens shows claims that refugees will harm the U.S. economy or taxpayers are untrue. The security argument against refugees is also inaccurate.

“It is in America’s national security, foreign policy and economic interests to welcome refugees and it can be done without harming national security,” according to Elizabeth Neumann, former assistant secretary for counterterrorism and threat prevention at the Department of Homeland Security, in an NFAP report. “Over the last two decades, security and law enforcement professionals at all levels have worked to establish, improve and utilize robust security and vetting procedures for individuals admitted as refugees to the United States. These policies and procedures have been reviewed, enhanced and strengthened repeatedly.”

At a recent Mercatus Center event organized by Shikha Dalmia, editor of *The UnPopulist*, Michael Clemens said, “Economically an immigration restriction is a government ban on a wide variety of economic activities by natives. I just want to repeat that: An immigration restriction is a wide-ranging government ban on economic activities by natives of the country of migrant destination. This is something that’s not often appreciated . . . it’s just a fact about how the economy works.”

Over the decades, the United States has admitted refugees because it serves humanitarian and foreign policy objectives. Some oppose such admissions by arguing refugees would harm the U.S. economy or taxpayer finances. The research from Michael Clemens shows admitting refugees is consistent with the traditions of America’s founding and helps the country’s economy.

Mexico’s Immigration Crackdown

New York Times, By David Leonhardt Feb. 1, 2024.

Mexico’s recent efforts offer a reminder: Stricter enforcement of immigration laws really does tend to reduce migration flows.

On the Thursday before Christmas, President Biden called Mexico’s president, Andrés Manuel López Obrador, and asked for help. The number of migrants crossing into the U.S. — about 10,000 per day — had reached the highest level of Biden’s presidency. The surge was creating major problems, including lockdowns at a New Mexico high school where migrants were streaming across the grounds and the closure of a rail bridge over the Rio Grande that carried commercial goods.

López Obrador responded by telling Biden to send a delegation of top officials to visit him in Mexico City. The next week, that delegation, led by Secretary of State Antony Blinken, arrived for talks. Partly in response, Mexico soon began to enforce its own immigration laws more strictly, making it harder for migrants from other countries to use Mexico as a route to the U.S. Among other things, López Obrador’s government has increased deportations of migrants to their home

countries and disrupted bus networks run by cartels that funnel migrants from other countries toward the U.S. border. The crackdown has made a noticeable difference, too.

Migration flows at the U.S.-Mexico border fell more than 50 percent in early January, according to data that the U.S. Customs and Border Protection agency released last week. The numbers have since risen somewhat, officials have told me, but are still well below the December levels.

Mexico's crackdown doesn't come close to solving the migration problem, of course. Illegal immigration remains far higher than it was in the 2010s. Many migrants now believe that they will be able to remain in the U.S. for years, so long as they reach the border — regardless of what the law says. Voters are unhappy about the situation. So are mayors and governors from both parties who are struggling with housing and social services.

Nonetheless, Mexico's recent efforts offer a reminder: Stricter enforcement of immigration laws really does tend to reduce migration flows.

Cost vs. benefit

That point may seem obvious, but it's one that many politicians from both parties question. In recent days, House Republicans and Donald Trump have criticized the outlines of a bipartisan Senate deal that would significantly tighten border security. Trump suggested it was “worse than no border deal.” (The most plausible explanation for his stance is politics — namely, that continuing border chaos could increase his chances of beating Biden in November.)

Many progressive Democrats, for their part, argue that border security is ineffective at stopping illegal immigration. The way to make a difference, they say, is to reduce poverty and oppression in other countries and to make people less interested in moving to the U.S.

But the evidence belies these arguments. The security of the border both directly and indirectly affects migration flows. In the short term, a less porous border allows fewer people to enter the U.S. For example, the migrants whom Mexico recently deported — including some who had arrived by airplane from outside the Western Hemisphere — might otherwise have made it to the U.S.

Longer term, a more secure border changes the calculation for people contemplating a harrowing journey toward the U.S. If entry to the U.S. — a far richer country than most — seems likely, many more people will attempt it. If it seems unlikely, the costs of the journey will dissuade more.

Biden's novelty

Mexico's recent crackdown is merely the latest evidence of this pattern. Biden's presidency is an even bigger example. In response to Trump's extreme opposition to immigration — including his lies and racist insults about immigrants — Biden and other Democrats moved far in the other direction. As *The Economist* recently wrote, Trump “radicalized” some Democrats on immigration. The party's 2020 platform said nothing about border security and was devoted largely to making entry into the U.S. easier, mostly through legal pathways but also by going easier on illegal immigration.

I want to emphasize that most Americans have long believed, and still believe, that their country should be a haven for people fleeing political repression. The Biden administration's approach has gone further, however. In the name of humanitarianism, it has broadened policies that were historically focused on political refugees, changing them to admit more migrants who are attracted to the U.S.'s high living standards.

“What's novel about the Biden years has been the vastly expanded use of parole and asylum in boosting immigration by those who could not hope to get through normal legal channels,” John Judis has written for the *Liberal Patriot* newsletter. In response, migration jumped far above the levels during Trump's or Barack Obama's presidencies.

(Social media videos, showing migrants who have made it to the U.S., also play a role, my colleague Miriam Jordan points out. Her latest article focuses on migrants' belief — often accurate — that the country's dysfunctional asylum system will allow them to stay indefinitely.)

A new approach

In recent months, Biden has begun to change his initial approach, recognizing the problems with a more open border. Last week, he promised to “shut down the border” if Congress passed a bill that allowed him to do so.

It remains unclear whether Republicans will agree to such a deal — or, mostly for political reasons, will choose to let the problem fester. Without a deal, Biden is likely to look for ways within current law to tighten border security. They exist but are more limited.

Either way, the Biden administration appears to be on the verge of doing the same thing that it recently urged Mexico to do: enforce existing immigration laws more tightly.

How to Fix America's Immigration Crisis

The New York Times, By Steven Rattner and Maureen White, January 30, 2024

Mr. Rattner served as counselor to the Treasury secretary in the Obama administration. Ms. White is a senior fellow at the Johns Hopkins School of Advanced International Studies, specializing in refugee issues.

The immigration problem Congress faces is large and complex. Let's break it down.

- Between October 2022 and September 2023, there were 3.1 million attempted crossings along the U.S. southern border.
- Of that, an estimated 600,000 migrants were able to cross the border undetected, according to the Department of

Homeland Security.

- The U.S. government had 2.5 million migrant “encounters”, 83 percent of which occurred between designated ports of entry, often in dangerous, remote locations like the Sonoran Desert.
- Over half a million migrants were expelled under Title 42, a policy enacted during the pandemic that allowed border officials to expel migrants without a deportation hearing. The Biden administration lifted the policy in May 2023.
- Most were processed under Title 8 immigration law, which covers a wide range of issues, including asylum, visas, refugees and deportations.
- Almost 200,000 were placed into expedited removal proceedings, usually because of a criminal record or a prior border apprehension. Others voluntarily left to avoid further processing.
- Roughly 300,000 migrants were given humanitarian parole at the border and allowed to temporarily live in the United States — a status available to migrants from a handful of countries such as Venezuela and Nicaragua.
- Including migrants who were apprehended elsewhere or were referred after other proceedings, nearly 1.5 million new cases were added to the immigration court system in the last fiscal year.
- Only a small number of new cases were decided in the year they were added. As of the end of 2023, some 1.8 million of the new arrivals remained in the United States with their case waiting in the backlog or with some other form of temporary status.
- Only a minute fraction of new court cases ended in a deportation last year. But nearly 900,000 migrants were removed through other channels.
- Of the nearly two million migrants who were processed under Title 8 last year, just 2,700 were granted formal relief in the form of asylum and other paths towards permanent residency.

Sources: U.S. Customs and Border Protection, Transactional Records Access Clearinghouse, U.S. Immigration and Customs Enforcement and the Department of Homeland Security. Note: These figures are for fiscal year 2023, which starts in October 2022 and ends in September 2023.

The recent surge of migrants at our southern border, which reached a high in December, has, at long last, brought Democrats and Republicans closer to agreement on one thing: the need for immediate attention to our broken immigration system.

We have an underfunded immigration apparatus that is swaddled in bureaucracy, complicated beyond imagination, bound by decades-old international agreements, paralyzed by divisive politics and barely functional under the best of circumstances.

Now we face the terrible consequences. In fiscal year 2023 alone (from October 2022 to September 2023), the United States had two and a half million “encounters” along its 2,000-mile border with Mexico, according to U.S. Customs and Border Protection. That is over two and a half times the number just four years ago, overwhelming the ability of governmental bodies — border patrol, immigration courts, human services agencies — to manage the flow.

The continued escalation of the crisis has allowed Republicans to leverage the issue in exchange for more aid for Ukraine and Israel, which in turn has pushed a bipartisan group of senators and White House officials into marathon negotiations. Broadly speaking, Democrats want more money to process the backlog while Republicans want to substantially narrow the grounds on which migrants would be permitted to remain in the United States (along with building more of the wall that Donald Trump has been urging). We need lots of the former and a bit of the latter.

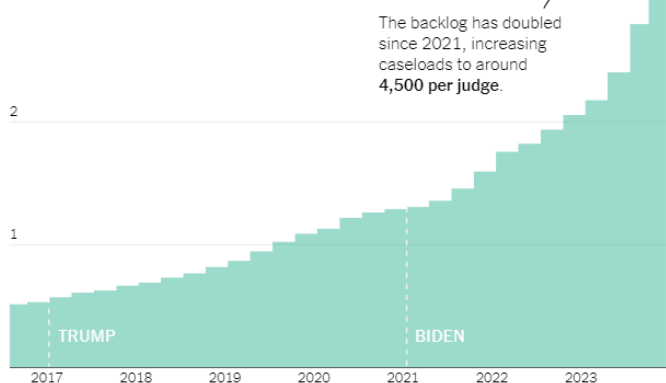
The Democratic push for more funding is correct. The country’s immediate need is to unclog the immigration court system that has allowed millions of asylum seekers to float around the country, unable to work for the first six months after entry and then potentially remain in limbo for years. During the 2023 fiscal year, just 670,000 cases were resolved in the courts.

So, yes to money for more border agents, processing staff, asylum review officers and judges.

But that’s not enough. We must reduce the flow to the border, which will require making immigrating into the U.S. by such means more difficult. As Republicans have long demanded and Democrats are coming to see as necessary, our obligation under international law to provide asylum need not create chaos.

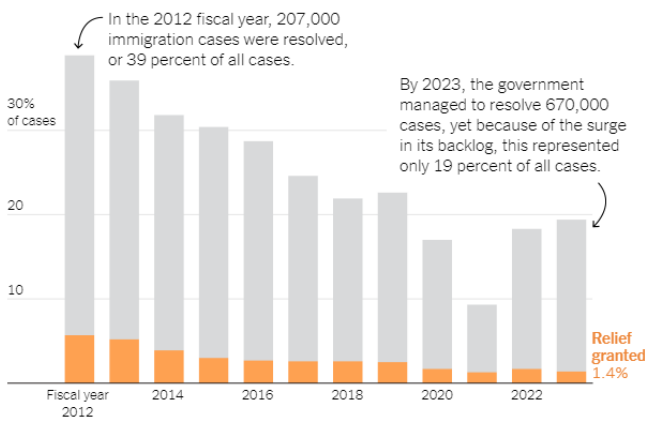
Immigration court backlog

3 million pending cases



Source: Transactional Records Access Clearinghouse - Note: Data of November 2023. December 2023 is projected.

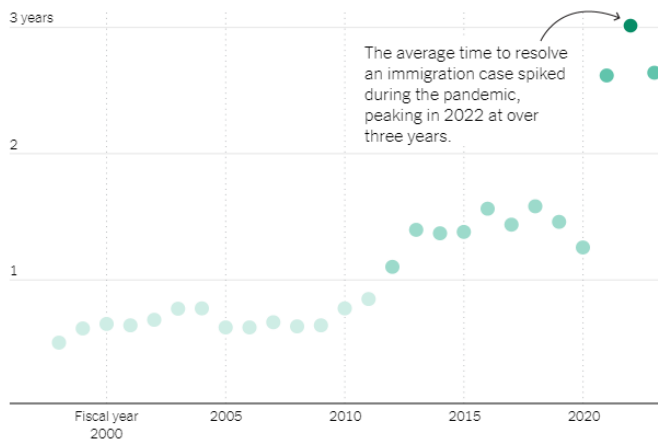
Percentage of immigration court cases resolved per year



Source: Transactional Records Access Clearinghouse

federal rule requiring migrants to obtain appointments at ports of entry (or show they’ve been denied asylum in another country) to be eligible for the standard path to asylum. Others will face far tougher criteria to gain relief. This rule is being challenged in the courts, and it needs to be codified by Congress as part of the current negotiations.

Average time to complete a case in the immigration court system



Source: Transactional Records Access Clearinghouse

domestic product, from 0.3 percent.

In the long run, we need to come to a national consensus on how many immigrants we want to accept and the bases for determining who is chosen. That includes balancing the two principal objectives of immigration policy: to meet our legal and moral humanitarian obligations to persecuted individuals and to bolster our workforce.

Without immigration, our population would begin to decline in 2037, according to United Nations projections. Even continuing to admit a million legal immigrants a year would leave our population flatlining within half a century. Maintaining our historical population growth rate of 1 percent would suggest admitting nearly four million individuals a year.

While that may be more than today’s politics can withstand, we should care about keeping the number of Americans growing at a reasonable rate. Immigration is our defense against the challenges of an aging society. Fewer workers supporting more retirees makes it harder to adequately fund Social Security and Medicare.

Given that unemployment is at 3.7 percent, near the all-time low, no one can sensibly argue that these additions to the labor force would cost Americans jobs. Increasing legal pathways would also help reduce the illegal labor that endangers migrants and undercuts American workers.

Moreover, reshaping our immigration policies to prioritize skills that are in particularly short supply would be a win-win. At present, only 27 percent of green card recipients are chosen for their skills. And we still don’t automatically provide green cards to non-Americans who graduate from our universities. That is insane.

A better immigration system is possible. With the right policy, resources and political will, we can live up to our country’s ideals and still maintain a safe and orderly southern border.

Methodology

The analysis reflects major processing pathways visible with the best data available to the public and are not completely exhaustive. “Non-border cases” reflects the difference between court notices delivered at the border, estimated court notices delivered through expedited removal referrals, and the total nation-wide new proceedings available in courts data. Fiscal

For starters, we should require asylum seekers to apply in Mexico or other countries, including their home countries, before they reach the U.S., reducing the incentive to travel here to gain entry during drawn-out proceedings. Both Mr. Trump and Mr. Biden have tried to accomplish this, but these changes have been mired in legal challenges and strained negotiations with Latin American countries. For this to succeed, the United States needs to work with Mexico to make conditions there safe for asylum seekers in waiting. Next, we need to tighten the asylum criteria. For example, we should make a greater distinction in the asylum process between those who followed established procedures and entered the country through an established port of entry and those who crossed along our border between ports of entry.

Mr. Biden has already started down this path, with a new federal rule requiring migrants to obtain appointments at ports of entry (or show they’ve been denied asylum in another country) to be eligible for the standard path to asylum. Others will face far tougher criteria to gain relief. This rule is being challenged in the courts, and it needs to be codified by Congress as part of the current negotiations.

While recognizing the need for due process, we should raise the legal standard for consideration for asylum from a “significant possibility” that asylum would be granted to something closer to the standard used for final decisions in immigration court, reducing the number of duplicative hearings and administrative delays.

We may also need to further limit the use of humanitarian parole, a program expanded by the Biden administration that allows more migrants from places like Venezuela and Nicaragua to temporarily enter the country and apply for relief. As heartbreaking as it may be, we simply cannot take every refugee from every failed state.

Of course, the most humane way to reduce the flow to our border would be to help improve conditions in the countries from which many of the new arrivals emanate. But we chose differently: Over the past 10 years, our aid spending has dropped to a paltry 0.2 percent of our gross

Seeking Protection: How the U.S. Asylum Process Works

Council on Foreign Relations By Diana Roy 02/07/2024

NOTE: This article has been abridged for concision.

Record numbers of migrants seeking to cross the southern U.S. border are challenging the Joe Biden administration's attempts to restore asylum protections. Here's how the asylum process works.

Introduction

The right to apply for asylum, a type of protection granted to migrants fleeing persecution or other harm in their home countries, has been a central component of U.S. immigration law for decades. But rising numbers of asylum seekers and a growing backlog in the system have increasingly challenged policymakers. President Donald Trump responded with a slew of policies to deter would-be migrants from making the often arduous journey to the southern U.S. border. President Joe Biden has reversed many Trump-era decisions, but a record number of illegal border crossings in fiscal year 2023 (FY 2023) have sparked political tensions between federal authorities and border state governors and reignited a fiery debate in Congress over immigration reform.

What is asylum?

Asylum is a form of legal protection that host countries grant to migrants who have been forcibly displaced and are fleeing harm or persecution, or the fear of persecution, in their place of origin. According to U.S. and international law, a claim of persecution must be made based on one of five "protected grounds": race, religion, nationality, political opinion, or membership in a particular social group....

The right to asylum is laid out in U.S. immigration law and Article 14 of the Universal Declaration of Human Rights; it is also outlined in the 1951 Refugee Convention and its 1967 Protocol. While asylum offers the same protection as refugee status, migrants seeking asylum in the United States must apply for it from within the country or at one of its 328 official ports of entry rather than from abroad...Prior to the passage of the Refugee Act of 1980, the U.S. government granted asylum on an ad hoc basis, including in the aftermath of World War II and during the Cold War, though at times it refused asylum to certain immigrant groups. The 1980 law created the current statutory basis for asylum, guaranteeing family reunification rights and providing asylees, or migrants who receive asylum, with a path to permanent residency after one year.

Unlike with refugees, there is no numerical limit on the number of asylum requests that the government can grant each year. Additionally, officials can reject asylum applicants even if they qualify for refugee status under international law. Over the past few decades, the number of asylum grants has fluctuated significantly, from a little over one thousand in FY 1980 to record levels of more than forty-six thousand in FY 2019.

In the first few years of the COVID-19 pandemic, border closures, partial government shutdowns, and slow processing times led to a sharp drop in asylum approvals. Meanwhile, the backlog of asylum cases pending in U.S. immigration courts kept growing; it currently sits at more than 1.1 million, the most on record...

What's the process for seeking asylum?

The asylum process is complex and involves multiple federal agencies, the most prominent being DHS, the Department of State, and the Department of Health and Human Services (HHS). Asylum seekers may also have to navigate the U.S. justice system if their cases get sent to immigration court.

Asylum seekers must be physically present within the United States or at an official port of entry...

Depending on the path, the length of the asylum process can range from a few months to a few years; current wait times for cases in the asylum backlog to be heard in an asylum hearing average 1,424 days. Asylum seekers are authorized to remain in the country while their application is pending. They can pursue some educational opportunities and apply for work permits, though they still face many difficulties.
