

Border Policy and 2024

BY MYAH WARD AND PAROMA SONI | 04/18/2024 05:00:00 AM EDT

PRO POINTS

- **Democratic priority:** Democrats have tried to strike a balance between keeping border crossings at bay, while not sparking further outrage on the left with tough restrictions that echo the Trump administration. With border encounters hitting a record high in recent months, the issue remains a political liability for Democrats, who are accusing Republicans of dismissing genuine compromise for political gain.
- **Republican priority:** Republicans will continue to hammer Democrats and President Joe Biden about the border, as voters identify immigration as a top concern. Republicans are calling for tighter border security, despite helping tank a bipartisan border deal earlier this year. GOP members in the House have also impeached Homeland Security Secretary Alejandro Mayorkas.
- **What to watch:** While long a base-rallying issue on the right, immigration has never been a policy area that determines the results of a presidential election. It could still be overshadowed by other voter priorities like the economy or reproductive rights, but seven months out, it's surged to a top concern for voters and could carry more weight this cycle, particularly in battleground states.

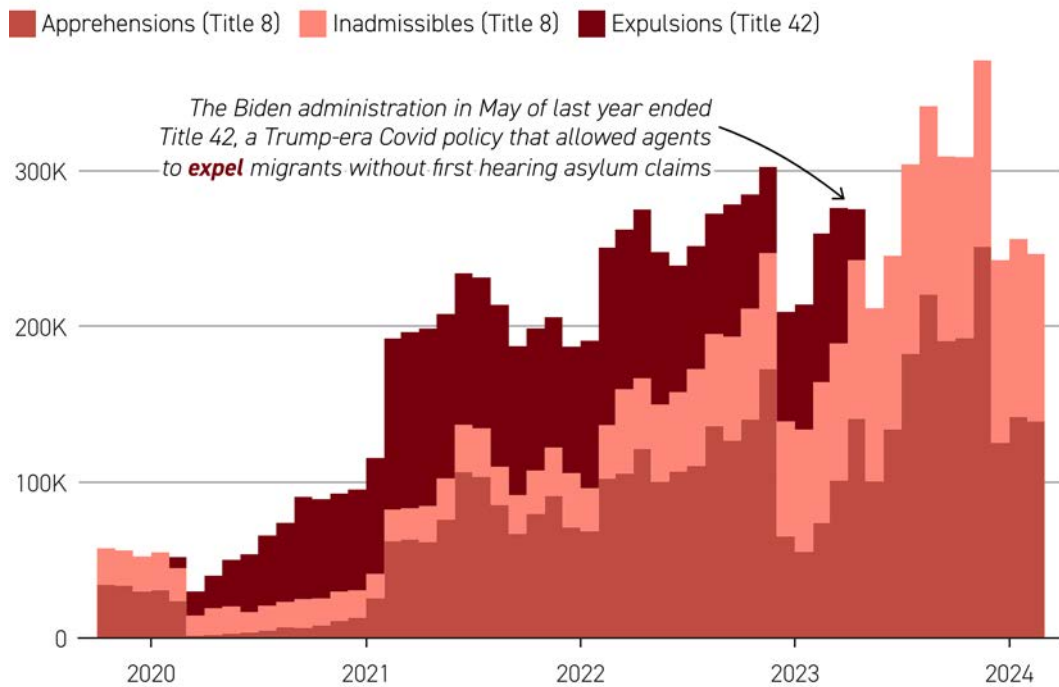
HOW WE GOT HERE

The humanitarian crisis along the southern border was seeded by decades of inaction by the federal government and several false-starts in Congress to revamp the system. The nation's outdated processing scheme for border-crossings isn't built to manage today's global migration challenges – one driven by climate change, poverty, conflict and persecution. As the number of migrants seeking asylum at the border surges, the process hasn't kept pace: More than 1.2 million people are currently awaiting asylum hearings or decisions in immigration court.

In 2022, as the Covid-19 pandemic began to ease, pent-up demand for entry into the U.S. added to already-lengthy backlogs. The number of undocumented immigrants crossing the border surged in 2022 as the courts prevented the Biden administration from revoking Title 42, the Trump-era public health order that allowed for the rapid expulsion of asylum seekers. When the Biden administration was able to wind down the public health order last year, they returned to Title 8 processing, which allows the government to expel anyone unable to establish a legal basis for remaining in the U.S.

Border encounters steadily rising, with 3.3M in 2023

Total U.S. border encounters monthly, by category of encounter



Source: U.S. Customs and Border Protection
Paroma Soni/POLITICO

The last six months speak to just how politicized the issue has become, dimming hopes of bipartisan legislation on Capitol Hill. Instead of compromise, a new messaging war has emerged as the Biden campaign seeks to persuade voters that the president tried to reach a deal before House Republicans and Donald Trump balked. It has also left the White House weighing executive actions to address the border, as 3.3 million migrants were either apprehended or expelled from the U.S. in 2023.

WHAT'S NEXT

Enforcement Measures

Trump is plotting a widespread expansion of his first-term immigration policies if reelected, including restoring Remain in Mexico, instituting travel bans, extending the border wall, executing large-scale arrests and increasing mass deportations.

– **Leaders:** Trump is hyper-focused on the issue on the campaign trail, regularly referencing his policy plans as he leans into anti-immigrant rhetoric.

– **Election prospects:** Trump is speaking to his base with these ideas, but there's a risk of losing some voters, particularly Latinos. Biden's campaign has targeted Trump for some of these plans and his language.

Asylum Ban and Changes to the Asylum Standard

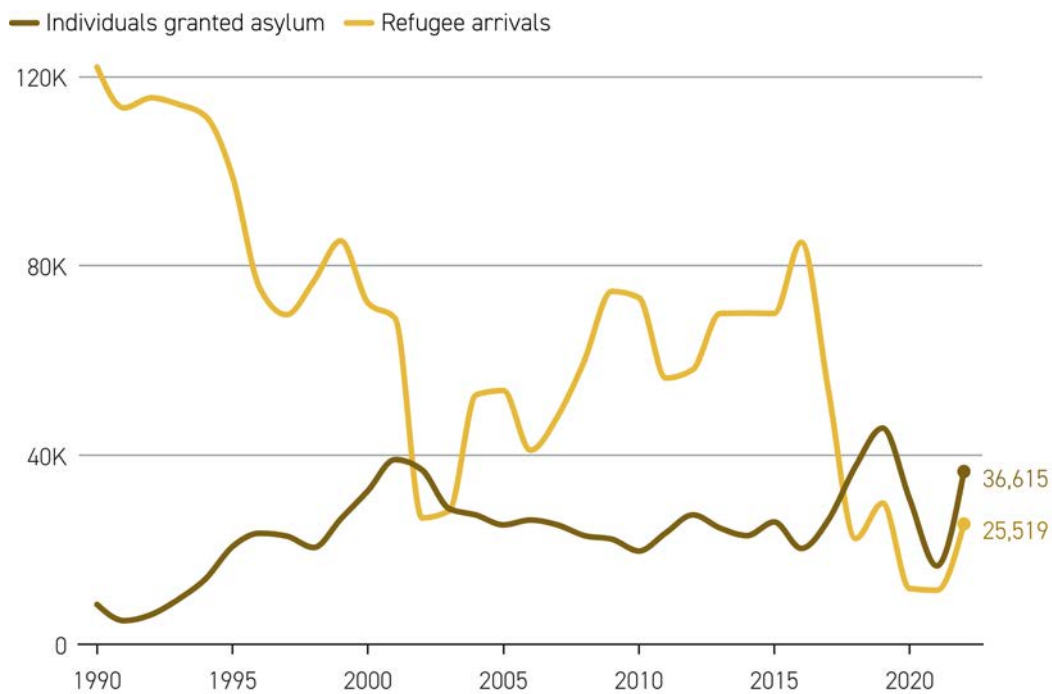
One of the restrictions being considered by the Biden administration would bar migrants from seeking asylum in between ports of entry and limit them after a specific number of daily illegal crossings. There have also been discussions inside the White House about raising the “credible fear standard,” which would make it harder for migrants to pass the initial screening for asylum.

– **Leaders:** These proposals were first introduced in the bipartisan Senate bill negotiated between the White House and Sens. James Lankford (R-Okla.), Kyrsten Sinema (I-Ariz.) and Chris Murphy (D-Conn.). After the bill was killed by Republicans and Trump, the White House began discussing ways to implement these changes through executive action.

– **Election prospects:** The White House is still weighing these proposals, which could potentially be announced this spring. But the president has also faced blowback from immigration advocates and progressives, who warn against pursuing Trump-like policies.

Fewer refugees coming to the US; asylum approvals steady

Total U.S. refugee arrivals and asylum applications granted, through fiscal 2022



Source: U.S. Department of Homeland Security
Paroma Soni/POLITICO

Humanitarian Parole

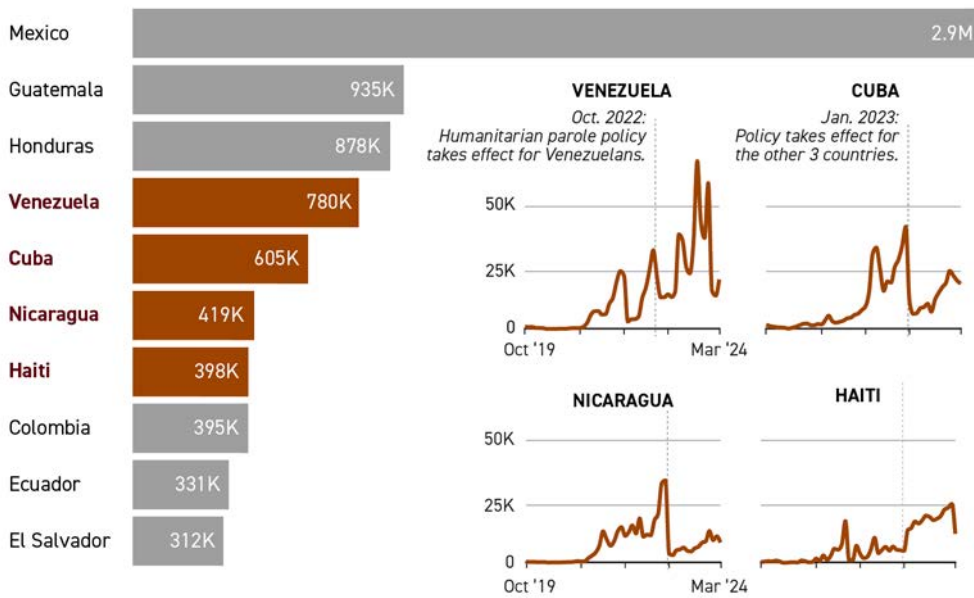
Under its humanitarian parole program, the Biden administration can admit 30,000 people a month from Haiti, Cuba, Nicaragua and

Venezuela, if they have a financial sponsor and can fly into the country instead of arriving at the border. As part of the plan, Mexico also expects 30,000 people a month from these countries.

- **Leaders:** Biden announced his plan to grant humanitarian parole to eligible migrants in January 2023.
- **Election prospects:** The policy led to a drop in crossings for these groups, a rare bright spot in the administration’s immigration policies. Republicans have continued to target the president’s parole program, while immigration advocates push the administration to open other legal pathways for migrants.

Border crossings for **some nationalities** drop after Biden’s humanitarian ‘parole’ program

Total U.S. border encounters between fiscal 2020-2024 (to date), by top citizenship countries



Source: U.S. Customs and Border Protection
Paroma Soni/POLITICO

Work Permits

The Biden administration issued an automatic work permit extension for certain categories of immigrants in April for 540 days, preventing hundreds of thousands of immigrants from being booted from the workforce.

- **Leaders:** Immigration groups, Democratic members of Congress and city leaders, including the mayors of New York City, Boston, Denver and Chicago, have pushed for this policy, warning that local economies

already strapped by the migrant surge could be further strained without it.

– **Election prospects:** This move was cheered by Democrats, immigration groups and mayors. It could spare Biden additional criticism from mayors who have struggled to manage migrants bussed to their cities by Republican governors.

Undocumented Immigrants

One idea that has been floated among Biden administration officials is opening access to the “cancellation of removal” program for people who have lived in the U.S. for more than 10 years and have citizen or resident relatives who would “suffer” if they were deported. If specific requirements are met and an immigration judge approves cancellation of removal, a migrant is able to obtain a green card.

– **Leaders:** Immigration groups have pushed for this, and Biden administration officials have been weighing the options.

– **Election prospects:** Then-President Barack Obama in 2012 made a similar move with the launch of the Deferred Action for Childhood Arrivals program. The Biden administration is examining whether it makes sense politically for Biden to do the same before November.



POWER PLAYERS

- **Rep. Tom Suozzi:** The Democrat won his special election earlier this year in New York, where he leaned into criticizing immigration policies and went on the offense against Republicans. His strategy could serve as a roadmap for how Democrats – who have typically shied away from the topic – talk about immigration in 2024.
- **Tim Sheehy:** The Republican former Navy SEAL is running to unseat Democratic Sen. Jon Tester in deep-red Montana, one of the states that will determine Democrats' ability to hold onto their slim Senate majority. Conservatives are already slamming Tester on his immigration record, with one GOP group dropping millions of dollars to run an ad that goes against Tester's past statements and votes on immigration.
- **Bernie Moreno:** Ohio is another state that will determine Senate control come November. Republican Bernie Moreno has focused on immigration and echoes Trump's rhetoric in his run against Democratic Sen. Sherrod Brown.
- **Kari Lake:** A firm Trump ally, the Arizona Senate candidate is hammering her Democratic opponent, Rep. Ruben Gallego, on border policies. Like Trump, she's tying immigration to crime. For his part, Gallego is also addressing the crisis head-on, calling for more law enforcement and federal support for border communities.