

CURRENT AUTHORITIES THE BIDEN ADMINISTRATION IS NOT USING TO SECURE THE BORDER

Authority	Description	Date of Action
INA 235(b)(2)(C)	DHS can require illegal aliens who claim asylum at the border to wait in Mexico until an immigration judge rules on their case. Used by the Trump Admin to create the Migrant Protection Protocols (MPP)	On Feb. 2, 2021 , Biden issued Executive Order 14010 calling to terminate MPP. On June 1, 2021 the program was ended through a DHS Memo.
INA 212(f)	President can suspend entry of any alien or class of aliens deemed detrimental to the national interest	Ended on January 20, 2021 through Presidential Proclamation 10141 & 10142, which rescinded the travel ban and border national emergency
Title 42 Public Health Emergency	Automatic border expulsion due to a public health emergency; in March 2020, the Trump Administration implemented this authority for the COVID-19 pandemic	Terminated in May 2023 , but could be used to combat the fentanyl poisoning epidemic
Cancel the CBP One App and stop abusing INA 212(d)(5)	DHS has the narrow authority to parole inadmissible aliens into the U.S. temporarily on a case-by-case basis for an urgent humanitarian need or significant public benefit.	DHS is abusing this authority by paroling nearly 450,000 illegal aliens through the CBP One app. This should be immediately discontinued.
Expedited Removal INA 235(b)(1)(A)(iii)	DHS can quickly remove illegal aliens apprehended anywhere in the country within two years of unlawful entry who do not claim a fear of persecution without appearing before an immigration judge.	Severely limited on March 21, 2022 through DHS Notice, 'Rescission of the Notice of July 23, 2019 , Designating Aliens for Expedited Removal'
Executive Order Authority to require DNA testing at the border	DHS has authority to collect DNA samples from illegal aliens to determine valid family units and protect children from human traffickers.	Terminated on May 31, 2023, through CBP Memorandum , 'End of Contract for DNA Testing for Suspected Family Unit Fraud'
Leverage	The President can use leverage to achieve foreign policy goals, such as threatening to withhold foreign aid from Mexico if they refuse to get tough on their drug cartels.	The Biden Administration has not taken advantage of the leverage it has to get tough on the cartels.

