



# THE BIDEN ADMINISTRATION, NOT CONGRESS, IS RESPONSIBLE FOR THE BORDER CRISIS

## FACT CHECKER: THE HUMANITARIAN CRISIS AT THE SOUTHERN BORDER

**ON JANUARY 8, 2023, THE WASHINGTON POST EDITORIAL BOARD INACCURATELY DESCRIBED THE BORDER CRISIS**

**“Only Congress can fix a badly broken system that was last fundamentally overhauled in 1986”/ “In the absence of sweeping Congressional reform, there is no solution.”**

**X FALSE:** The Biden Administration created the border crisis, and it has all the authority it needs to end it. The administration could restart border wall construction tomorrow and reinstate several successful Trump Administration policies. Policies such as “Remain in Mexico” and the Asylum Cooperative Agreements deterred illegal immigration by requiring migrants to wait in Mexico until their immigration court hearing or seek asylum in a country closer to their home country, and they could be reinstated easily. However, this administration has demonstrated that it lacks the will and leadership to make tough decisions to protect the American people. The editorial board also implied that amnesty is a solution to the border crisis. But it is absurd to link legalizing millions of aliens who have been in the country unlawfully for more than a decade with the current surge of illegal aliens coming to the border.

**“[The Biden Administration] launched a major new immigration approach, which couples a broader channel for legal immigration with harsh new restrictions on unauthorized migrants caught crossing the border.”**

**X FALSE:** There are no “harsh new restrictions” outlined in the administration’s recently announced plan. Under current law, aliens deported after crossing the border unlawfully are subject to a five-year bar on re-entry. The Biden Administration’s decision to now apply the law after years of failing to do so is not a “harsh new restriction” but instead is another example of how its policies have caused the border crisis. The “broader channel for legal immigration” is, in reality, an abuse of the narrow parole authority that the Department of Homeland Security has to allow otherwise inadmissible aliens into the country under very limited circumstances. Parole is being abused by the Biden Administration in order to hide the border crisis rather than solve it.



**“Predictably, Mr. Biden’s move was attacked... by restrictionists for opening a wider legal pathway.”**

**X FALSE:** The new “legal pathway” created by the administration is an unlawful use of the narrow parole authority. Just like the Obama Administration abused deferred action when creating Deferred Action for Childhood Arrivals, the Biden Administration is abusing parole authority. Parole is authorized only on a case-by-case basis for urgent humanitarian reasons or significant public benefit. However, the creation of nationality-based parole for economic migrants from Venezuela, Cuba, Haiti, and Nicaragua is an improper use of this authority and exposes the myth that these aliens are fleeing persecution because these aliens are not required to claim asylum before being granted parole nor required to file an asylum claim once allowed into the U.S.

**“Many of those migrants are deemed to have legitimate cases.”**

**X FALSE:** Fewer than 15% of aliens apprehended at the border who claim asylum are granted humanitarian protections. Nearly all of the aliens coming to the border are doing so for economic reasons or are fleeing gang or domestic violence—none of which are grounds for asylum under U.S. law. Instead, these illegal aliens are exploiting the asylum system and Biden Administration policies by claiming “asylum” or “credible fear” at the border while knowing they will be released into American communities. After gaining entry, many of these illegal aliens never show up for their immigration court dates.

**“But with a House Republican majority determined to use the border mess to attack the administration as the 2024 presidential election approaches....”**

**X FALSE:** The new House majority is offering solutions while the Biden Administration continues to offer excuses. In the first month of the 118th Congress, the House is expected to pass a bill that gives the Department of Homeland Security border expulsion authority similar to the Title 42 public health authority used at the beginning of the COVID-19 pandemic. The new House majority also intends to introduce a robust border security bill later this year that, based on the released framework, would secure the border, end human trafficking, and defeat the cartels. Instead of working with the new House majority to solve this crisis, the Biden Administration continues to politicize it.

