

# CENTER FOR HOMELAND SECURITY & IMMIGRATION

## EXECUTIVE ACTION TO SECURE THE BORDER TODAY

The ongoing two-year humanitarian crisis at the southern border was intentionally created by the Biden Administration's decision to end the successful Trump Administration border policies. Over the objections of career Border Patrol agents, the Biden Administration halted the construction of the border wall and other key policies while failing to offer replacement policies to deter illegal immigration. Now, instead of implementing a new strategy, the Biden Administration is blaming the "broken system" and faulting Congress for refusing to pass its signature amnesty bill. This is absurd; amnesty is not a solution and would only make the situation on the border worse.

While new laws could help secure the border, the Biden Administration has the authority it needs today to stop the record-breaking numbers of illegal alien apprehensions, including unaccompanied alien children and fentanyl trafficking at the border.

### **HERE ARE 10 CONCRETE STEPS THE BIDEN ADMINISTRATION SHOULD TAKE TO END THE BORDER CRISIS NOW:**

#### **01 / BUILD BORDER WALL INFRASTRUCTURE**

The border wall is an effective physical barrier that protects the American people and facilitates

upholding the rule of law. The Trump Administration listened to Border Patrol operators, who identified the optimal infrastructure, materials, and locations for a barrier across the Southern border. In contrast, the Biden Administration has discarded the advice of law enforcement professionals and wasted billions of taxpayer dollars allocated to build the border wall. The failure to complete the wall and related infrastructure endangers Americans and further incentivizes illegal immigration and the flow of fentanyl into American communities.

#### **02 / REINSTATE REMAIN IN MEXICO**

The Migrant Protection Protocols (also known as "Remain in Mexico" or MPP) required non-Mexican nationals to wait in Mexico for their immigration court date instead of being released into American communities. This policy combated asylum fraud and disrupted the smuggling and trafficking networks by denying economic migrants entry into the U.S.

#### **03 / RESTART THE ASYLUM COOPERATIVE AGREEMENTS (ACAS)**

The ACAs, negotiated in 2019 and 2020, created a process for legitimate asylum seekers to apply for humanitarian relief closer to home. The Trump Administration provided additional support to fund and assist our Nation's partners in these agreements, all while sending a message that asylum fraud must end. Combined with the effect of MPP, illegal immigration plummeted because the possibility of being returned to a third country rather than being released into the U.S. deterred asylum fraud.

#### **04 / REPLACE TITLE 42 AUTHORITIES WITH PERMANENT PROVISIONS**

Title 42 is an emergency public health authority that allowed the government to expel aliens at the border to stop the spread of infectious diseases. Title 42 is not a border security authority and was always meant to be temporary, but the Biden Administration has no long-term strategy to counter those who exploit the asylum system after Title 42 ends. Going forward, the Biden Administration should replace Title 42 with permanent provisions and use expedited removal to the fullest extent allowed under the law, detain illegal border crossers, and quickly deport those with final orders of removal.

#### **05 / TARGET THE CARTELS**

The Mexican cartels are some of the most dangerous threats to our Nation, and they have only become more powerful under the Biden Administration's open border policies. Not only do these bad actors put our frontline agents and officers at risk, but they also facilitate the stream of thousands of pounds of deadly fentanyl across our southern border. To defeat the cartels and stop this overwhelming flow of drugs, the

approach. This would include possibly designating the cartels as a Foreign Terrorist Organization, authorizing the use of military force, and targeting them through the cyber and financial industries.

#### **06 / SUPPORT BORDER STATES**

While every state is negatively affected by the crisis, those along the southern border are overwhelmed by the influx of illegal aliens flowing into their communities. Instead of ignoring governors' calls for help and vilifying their actions, the Biden Administration should be a supportive partner as they try to secure the border and keep American communities safe. The Department of Homeland Security (DHS) needs to focus resources on enforcement instead of on processing illegal aliens into the U.S. Focusing too much on processing is the wrong approach and is also arguably outside the scope of its statutory mission.

#### **07 / DEPLOY NATIONAL GUARD TO THE BORDER**

Strategically deploying the National Guard along the southern border works. The Border Patrol is overwhelmed, and most of its agents are conducting non-enforcement activities such as processing illegal aliens. Surging Guard members to the border for logistical and support services will free up Border Patrol agents to focus on capturing illicit drugs and arresting aliens trying to make it across the border.

#### **08 / PROMPTLY REPATRIATE ILLEGAL ALIENS**

The Biden Administration's DHS estimates that approximately 11 million illegal aliens live within our borders, though the actual number is likely much higher. While the U.S. has limited resources, the government must deport the maximum possible number of removable aliens each year. Removal sends a clear message that illegal arrival will not be rewarded and frees up law enforcement to do their jobs effectively.

#### **09 / CRACKDOWN ON FENTANYL**

With fentanyl now the leading cause of death of young Americans, the Biden Administration has no excuse for its failure to take necessary action to keep this deadly drug off American streets. Securing the border is critical to eradicating fentanyl, but the federal government needs to prioritize drug trafficking charges against the cartels to the fullest extent allowed under the law.

#### **10 / PUT HUMAN TRAFFICKERS OUT OF BUSINESS**

The humanitarian crisis at the border has resulted in an incalculable amount of suffering by migrants, especially unaccompanied alien children, who fall victim to human traffickers and smugglers due to the Biden Administration's open border policies. The American people want human trafficking ended because they don't want to be

complicit. Bad actors convicted of trafficking offenses should receive the harshest sentences possible under the law.

**TO END THE CHAOS AT THE BORDER, WE NEED TO ENFORCE THE LAW. IT WAS DONE BEFORE AND CAN BE DONE AGAIN.**

