Biden Seals US-Mexico Border to Asylum Seekers

President Joe Biden is preparing to sign an executive order limiting asylum requests at the U.S.-Mexico border. This decision comes amid ongoing debates and attempts to manage the number of migrants entering the United States.

What Is the Executive Order About?

The executive order will automatically halt asylum requests at the U.S.-Mexico border once the average number of daily encounters hits 2,500. The border will only reopen for asylum seekers when the daily average declines to 1,500.

Given that current daily figures exceed this threshold, the executive order could take effect immediately. These figures are based on daily averages calculated over a week.

Other border activities, such as trade, should continue without interruption. However, reaching the 1,500 threshold to reopen the border for asylum seekers might prove challenging. The last time the daily average fell to 1,500 was in July 2020, during the height of the COVID-19 pandemic.

The Legislative Background Influencing the Order

President Biden has been deliberating this move for months, particularly after bipartisan legislation to clamp down on asylum at the border failed. The collapse of this legislation has prompted Biden to act unilaterally. Despite a decline in illegal border crossings, partly due to increased efforts by Mexico, the need for a strong policy remains pressing.

This issue has been a longstanding and complex one, with the United States grappling with how to effectively handle the influx of migrants seeking asylum at the southern border.

The Trump administration's policies, including "zero tolerance" and family separation, have been heavily criticized for their inhumane treatment of asylum seekers. As a result, there has been increased pressure on the Biden administration to implement more humane and welcoming policies toward those seeking asylum.

Coordinating the Order With Mexico

The order's timing coincides with the recent presidential election in Mexico, which saw Claudia Sheinbaum become the nation's first female leader.

Biden and Sheinbaum have expressed a commitment to advancing the interests of both nations despite strained relations in recent years. Cooperation with Mexican officials will likely be critical to effectively implementing the executive order.

Legal Framework and Potential Challenges

Biden's administration plans to use executive powers outlined in Section 212(f) of the Immigration and Nationality Act. This provision gives the president broad authority to block the entry of certain immigrants if deemed detrimental to national interests. Former President Trump used this same legal rationale for some of his toughest actions on migration.

Along with a growing number of Democrats, HIAS President and CEO Mark Hetfield isn't too thrilled about the order. "In introducing this policy, the President is clearly responding to the political climate rather than proposing solutions to address the actual challenges of today. Rather than fixing an antiquated immigration system that has been broken for decades, politicians are using anti-immigrant rhetoric to gain votes by stoking fear. And increasingly, President Biden's actions are implementing this anti-asylum rhetoric, rather than pushing for real solutions that are true to our values as a nation where immigrants and refugees have played such an important role."

So, despite the Biden administration's legal preparations, advocacy groups are clearly gearing up to challenge the executive order. As such, the order will likely face significant scrutiny and legal hurdles as it moves forward.

Implications for the Future

Biden's executive order represents a significant shift in U.S. immigration policy, with the potential to impact the lives of thousands of asylum seekers.

The administration aims to encourage migrants to seek asylum at designated ports of entry, utilizing tools like the CBP One app, which schedules daily appointments.

However you slice it, this executive order addresses a complex and contentious issue, balancing the need for border security with humanitarian considerations. Only time will tell how this policy will play out and whether it will achieve its intended goals.