

National Security Update: Border Security

Issue Summary:

The FY24 Defense Supplemental contained numerous bipartisan provisions to tighten security around the border, negotiated by Sen. Murphey (D-CT), Sen. Sinema (I-AZ), and Sen. Lankford (R-OK). This is the first piece of legislation introduced that would significantly change immigration laws in more than three decades. These provisions include:

“Shutting Down” the Border:

- This would grant a new emergency authority for DHS to shut down the border.
- Immediately deport most migrants that are encountered at the border, whereas now those migrants are generally allowed in the country to await processing.
- Overhaul of the asylum system and expands ICE detention.

Asylum proposals:

- More demanding “clear and convincing” standard to those entering the country to prove their persecution, whereas now you only have to show significant possibility.
- A fraction would pass the new “clear and convincing” standard while the majority would be deported.
- Asylum officers decide cases, not judges, with a goal of 180-day processing or shorter.

Additional Facts:

- The average immigration judge’s caseload has increased from 1,800 during the Obama administration to 2,600 during the Trump era and is now 4,500 under Biden.
- President of the Border Patrol Council said, “This [bill] is better than the status quo, nobody can argue it’s not better than what we currently have. Why wouldn’t I support [the bill]?”
- U.S. Chamber of Commerce and DHS have come out publicly in support of this bill.

Actions taken:

NS Staff have met with both Republican and Democratic Congressional staffers, particularly those in southern border states, who have expressed frustration over the removal of border security provisions in the FY24 Defense Supplemental Bill and the lack of a House floor vote. Additionally, NS Staff met with several Think Tanks to ascertain their assessments on what could be done to address border and immigration issues. All recent meetings have validated the Resolved clauses contained in the American Legion’s position on “Immigration Reform” as being relevant to today’s discussions on this border security and related matters. NS Director will be speaking at a Border Security conference in TX during early March of 2024.

Applicable Resolutions:

Resolution No. 23: Immigration Reform

Resolution No. 20: Fully Enforce Immigration Laws

Resolution No. 27: Sanctuary Cities

Resolution No. 29: Commend U.S. Border Patrol

Resolution No.44: Oppose Government Benefits for Illegal Immigrants

What can Congress do:

Pass the bipartisan FY24 Defense Supplemental bill which would increase border security funding and continue to allow for deportations at the border.

Amend the asylum criteria to be more stringent and allow for asylum officers to decide cases instead of immigration courts.

Invest more funding and technology into border security protections and expedite the hiring process of Border Patrol Agents.

Establish proactive measures to help stem the flow of migration and work with foreign governments for assistance in curbing migration routes.