



How Can Congress Address the Current Border Crisis?

Asylum Reform. The massive asylum backlog has allowed illegal aliens to enter and stay in the United States by exploiting asylum loopholes. In fact, there are more than 300,000 pending cases in the asylum backlog before U.S. Citizenship and Immigration Services (USCIS), and a similar amount before the Executive Office for Immigration Review (EOIR). Therefore, Congress must correct the systemic deficiencies that created that backlog.

- Significantly tighten standards and eliminate loopholes in our asylum system.
- Elevate the threshold standard of proof in credible fear interviews.
- Impose and enforce penalties for the filing of frivolous, baseless, or fraudulent asylum applications, and expand the use of expedited removal as appropriate.
- Close loopholes in the law to bar terrorist aliens from entering the country and receiving any immigration benefits.
- Clarify and enhance the legal definition of “aggravated felony” to ensure that criminal aliens do not receive certain immigration benefits.
- Expand the ability to return asylum seekers to safe third countries.
- Ensure only appropriate use of parole authority for aliens with credible fear or asylum claims, to deter meritless claims and ensure the swift removal of those whose claims are denied.

Unaccompanied Alien Children. Loopholes in current law prevent Unaccompanied Alien Children (UACs) that arrive in the country illegally from being removed. Rather than being deported, they are instead sheltered by the Department of Health and Human Services (HHS) at taxpayer expense, and subsequently released to the custody of a parent or family member — who often are here illegally themselves. These loopholes in current law create a dramatic pull factor for additional illegal immigration and in recent years, there has been a significant increase in the apprehensions of UACs and family units at our southern border. Therefore, Congress must amend current law to ensure the expeditious return of UACs and family units.

- Amend the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (TVRPA) to treat all UACs the same regardless of their country of origin, so long as they are not victims of human trafficking and can be safely returned home or removed to safe third countries.
- Clarify that alien minors who are not UACs (accompanied by a parent or legal guardian or have a parent or legal guardian in the United States available to provide care and physical custody) are not entitled to the presumptions or protections granted to UACs.

- Terminate the Flores Settlement Agreement by passing legislation stipulating care standards for minors in custody and clarify corresponding provisions of the TVPRA that supersede the FSA.
- Amend the definition of special immigrant as it pertains to juveniles to require that the applicant prove that reunification with both parents are not viable due to abuse, neglect, or abandonment and that the applicant is a victim of trafficking. The current legal definition is abused, and provides another avenue for illicit entry.
- Repeal the requirement that an asylum officer have initial jurisdiction over UAC asylum applications to expedite processing.

Ensure Swift Border Returns. Immigration judges and supporting personnel face an enormous case backlog, which cripples our ability to remove illegal aliens in a timely manner. Congress must provide additional resources to reduce the immigration court backlog and ensure swift return of illegal border crossers.

- Seek appropriations to hire an additional immigration judges.
- Establish performance metrics for immigration judges.
- Seek appropriations to hire additional U.S. Immigration and Customs Enforcement (ICE) attorneys, with sufficient support personnel.
- Ensure sufficient detention space.

Inadmissible Aliens. The current statutory grounds for inadmissibility are too broad, and allow for the admission of individuals who threaten our public safety. Therefore, Congress must expand the criteria that render aliens inadmissible and ensure that such aliens are maintained in continuous custody until removal.

- Expand the grounds of inadmissibility to include gang membership.
- Expand the grounds of inadmissibility to include those who have been convicted of an aggravated felony; identity theft; fraud related to Social Security benefits; domestic violence; child abuse; drunk driving offenses; failure to register as a sex offender; or certain firearm offenses, including the unlawful purchase, sale, possession, or carrying of a firearm.
- Expand the grounds of inadmissibility to include former spouses and children of individuals engaged in drug trafficking and trafficking in persons, if the official determines the divorce was a sham or the family members continue to receive benefits from the illicit activity.

Discourage Illegal Re-entry. Many Americans are victims of crime committed by individuals who have repeatedly entered the United States illegally, which also undermines the integrity of the entire immigration system. Therefore, Congress must increase penalties for repeat illegal border crossers and those with prior deportations.

Facilitate the Removal of Illegal Aliens from Partner Nations. Current barriers prevent the Federal Government from providing assistance to partner nations for the purpose of removing aliens from third countries whose ultimate intent is entering the United States. Therefore, Congress must authorize the Department of Homeland Security (DHS) to provide foreign assistance to partner nations to support migration management efforts conducted by those nations. This will allow DHS to improve the ability of

Central American countries to curb northbound migration flows and to interrupt ongoing human smuggling, which will also substantially reduce pressures on U.S. taxpayers.

Expedited Removal. Limited categories of aliens are currently subject to expedited removal, which erodes border integrity and control by impeding the ability of the Federal Government to efficiently and quickly remove inadmissible and deportable aliens from the United States. Congress should expand the grounds of removability and the categories of aliens subject to expedited removal and by ensuring that only aliens with meritorious valid claims of persecution can circumvent expedited removal.