



Questions the Media Should be Asking About the Biden Border Crisis

The Purpose of Immigration

As it has systematically whittled away at most interior and perimeter immigration enforcement, does the Biden Administration have a set of principles justifying how America's broad public interest is advanced in each case, and in totality?

Gutting of Interior Enforcement

Secretary Mayorkas announced that DHS will no longer issue civil penalties to removable aliens who make voluntary departure agreements with ICE or an immigration court in exchange for avoiding removal proceedings or receiving final order of removal (for which there are immigration consequences). Why has DHS chosen to stop issuing civil penalties to removable aliens who break these agreements with the government while the Department is experiencing significant budget and resource strains as a result of the pandemic and the border crisis?

Comparing February through April 2012-2019 to February through April 2021, how many detainer requests did ICE issue and how many detainees did ICE actually pick up? How many times in 2021 have local law enforcement officers contacted ICE about criminal aliens urging ICE to detain them and ICE has not acted?

Has the Biden administration set up a mechanism to track the whereabouts and/or additional crimes committed by criminal aliens that were turned down by ICE agents and then subsequently released even though local and state jurisdictions were willing to hand them over?

On what grounds can the administration justify not providing Notice to Appear (NTA) to migrants who have entered the country lawfully?

Will the Biden Administration support the 287(g) program despite congressional Democrats calls to defund it?

Does this administration believe that illegally entering the country is an offense worthy of deportation if an individual does not qualify for asylum? If so, why is the administration not pursuing the deportation of all such encountered individuals?

Does the administration believe there are any limits on the federal government's ability to parole groups or categories of aliens into the country, and if so, what are they?

Gutting of Border Enforcement

Why are ICE's April removal numbers the lowest on record when, at the same time, CBP continues to report that illegal border crossings remain at over a twenty-year high?

Why has the administration stopped construction of the southern border wall when Congress has already approved funding for it, the U.S. Border Patrol has asked for it, and the halted construction costs U.S. taxpayers \$6 million a day?

Acknowledging a Crisis/Terminating Effective Policies

The Biden administration blames the current crisis on President Trump. Specifically, how is the current crisis Trump's fault when numbers dipped significantly after the institution of MPP, and other crackdowns on asylum fraud?

Does the administration need to see a certain number of monthly border apprehensions in order to finally reinstate Trump administration immigration policies? If so, what is that number and why?

Is there any indication that the administration will reinstate the asylum cooperation agreements with Mexico and the Northern Triangle countries of Guatemala, El Salvador, and Honduras?

Will the Administration commit to no further discussions of any amnesty bills until the current border crisis is under control?

Will the administration urge Mexico to reinstate federal police on their southern border immediately?

Will the president support keeping Title 42 in place until the worldwide COVID-19 pandemic has passed?

Do President Biden and Vice President Harris plan to visit the border region and speak with federal law enforcement, local leaders, and residents of border communities to assess the impact of their policies?

Impact on U.S. Citizens

How has the Biden administration justified increasing the admission of aliens under employment-eligible visa categories when an estimated 10 million Americans are out of work and many more are under-employed because of the pandemic and resulting economic downturn?

Why is President Biden reversing bipartisan rulemaking that raised the cost of hiring H-1B workers?

Why is the Biden administration continuing the H-2B program when countless blue-collar Americans are still unemployed?

What is the Biden administration doing to ensure illegal aliens do not receive stimulus checks if there is a fourth round of them?

Does President Biden oppose the concept of public charge? Does President Biden believe that immigrants should generally be expected to support themselves? Does allowing new immigrants the ability to use welfare programs disenfranchise Americans who need such support?

Many officials and mayors on both sides of the aisle criticized Biden for the crisis at the border. How then can the administration, in good conscience, continue to deny the crisis at the border?

Immigration as a Political Issue

Did President Biden nominate Chris Magnus and Ed Gonzalez to their roles solely because of their vocal opposition to President Trump's immigration policy, and is that the only prerequisite for an agency nomination under the Biden administration?

Will President Biden acknowledge that giving citizenship to 14.5 million illegal aliens provides a long-term advantage for the Democrat Party?

If it reaches his desk, will the president veto the recently passed House bill that would strip a president of the ability to initiate a travel ban, given President Biden has used precisely that authority to protect public health by issuing a travel ban on people arriving from India?

Addressing "Root Causes"

How has the Biden administration justified pledging millions of dollars to increase economic opportunity in Central America while so many Americans are out of work or under-employed in the United States?

The administration is providing monies to Central American countries “to improve their economic situation and discourage illegal immigration.” What actions are the Biden administration taking specifically to tackle the cartels which have become stronger because border patrol agents have been derailed from their jobs to process UACs?

Why is President Biden sending millions of American taxpayer dollars to the Northern Triangle governments to distribute to nationals of those counties when he has acknowledged those countries are rife with corruption?

Why does the administration believe that spending hundreds of millions of dollars in Central America will help curb illegal migration flows when in 2014, a similar foreign aid package did not deter illegal migration for the five years following?

Amnesty

Does the Biden administration differentiate between lawfully present immigrants and those who have entered the country illegally? If so, how does the administration justify offering amnesty to immigration lawbreakers? And, how does the administration justify offering amnesty to those who have been in the country for years versus those who have only been in the country for a few months.

Given that previous amnesties have only fueled more illegal immigration, what assurances does the Biden administration have that another amnesty won't produce similar results?

Asylum Abuse by Economic Migrants

Is the Biden administration willing to admit that its strategy to provide aid to increase economic opportunities in Central American countries reflects the reality the illegal border crossers from these countries are economic migrants, fleeing poverty, and are not legitimate asylum-seekers, fleeing persecution on account of a protected ground (race, religion, nationality, political opinion, or membership in a particular social group) or otherwise eligible for protection under U.S. immigration law?

The administration is allowing a growing number of migrant families seeking asylum to enter the United States (they were blocked entirely under a Trump policy). In the first three weeks of April, about 1,080 people traveling as families have been processed at legal border crossings and allowed to enter the country. What will Biden do with the families that lose their asylum cases?

Aliens are only eligible for protection under the Convention Against Torture if they are subject to torture by a government or public officials “acting under the color of law.” See *Matter of O-F-A-S-*, 28 I&N Dec. 35 (A.G. 2020). Which governments have committed acts of torture such that their citizens have received protection in the United States under the Convention Against Torture? How many aliens from

each of these countries have received protection under the Convention Against Torture? Will the Biden administration continue providing aid to these governments?

How many unaccompanied alien minors (UACs) indicate an intent to apply for asylum with USCIS to the immigration courts but never submit an application? What happens to UACs who never file? How many non-meritorious UAC asylum applicants are removed from the United States?

What steps will the Biden administration take to stem rising instances of asylum fraud?

Public Health, Safety and National Security

The Border Patrol confirms that it has released people who have tested positive for COVID. What steps are being taken to ensure that that does not happen in the future?

Migrants apprehended at the border can be tested for COVID. Those who are not apprehended due to the overwhelming workload placed on Border Patrol agents cannot be tested. Is the administration concerned that these conditions pose a public health threat and, if so, what steps are being taken?

There are new and deadlier strains of COVID emerging in other parts of the globe such as India, Brazil, South Africa, and England. How concerned is the president that these new strains (for which vaccines are ineffective) will enter the United States and spread as a result of current levels of people crossing the border illegally? If the president is concerned, what is he doing about it, and if he is not concerned, why not?

What steps, if any, are being taken to protect the health of Border Patrol agents and detention facility personnel from these new strains of COVID?

What additional precautions is the Biden administration taking to ensure that terrorist organizations or hostile nations do not take advantage of the current border situation?

Is the Biden administration concerned that terrorists may have entered the country among those who have crossed illegally and, if so, what steps are being taken?

Refugee Resettlement Amid Border Chaos and COVID

Why did President Biden renege on his previous decision to keep the refugee cap at 15,000 for the current year? Why is the U.S. bringing in more foreign nationals during a border crisis?

Legal Immigration Policy

According to the administration, what is the ideal number of new immigrant admissions into the country each year?

Concerns about Migrants/Aiding and Abetting Criminal Cartels

Migrants are being brought to the U.S. border by criminal cartels, which are reportedly making \$14 million a day on these operations. President Lopez-Obrador and leaders of the Northern Triangle countries have publicly complained that current U.S. policies are increasing the power of these cartels in their countries. What steps will the United States take to respond to the situation and the concerns of foreign leaders?

There have been reports of widespread abuse of migrants as they attempt to reach the United States. Has the Biden administration attempted to gather data on:

- The number of migrants, especially children, who have perished en route?
- Sexual abuse of women en route?

And what steps is the administration taking to respond to these conditions?

We have all seen video of children abandoned in the desert by smugglers, or little girls dropped over the fence, and reports of babies being tossed into the Rio Grande to create a diversion so that other migrants, drugs and weapons elude capture. What is the administration's response to these conditions, and does the administration acknowledge that its policies have facilitated these abuses?

U.S. taxpayers are transporting migrants released at the border to interior locations of the country. In other cases, taxpayers are paying for sponsors (some here illegally themselves) to come to the border to claim UACs. Is the administration concerned that they are, in effect, providing final delivery on behalf of criminal cartels at taxpayer expense?

Unaccompanied migrant children are crossing the southwest border by the thousands each week. They are often rejoining parents who entered the United States illegally years ago. Isn't this essentially the reunification of families who separated themselves?

Overwhelmed Judicial System

If an alien were to illegally cross the border today, indicate an intent to apply for asylum, be released from DHS custody, and receive a notice to appear (NTA) for section 240 proceedings with an immigration court, approximately how long will the alien have to wait in the United States until the date of their hearing, given today's immigration courts' backlog?

Government Transparency/Accountability and Costs of the Border Crisis

The Department of Justice has removed resources from its website illustrating the percentage of asylum applicants who ultimately fail to attend their immigration court hearing and receive an in absentia order of removal (for failure to appear for their immigration court proceedings) or are denied asylum by an immigration judge. What percentage of aliens who indicate a fear of return or intent to apply for asylum at the border are given negative credible fear determinations by asylum officers? How many aliens with positive credible fear determinations ultimately receive in absentia removal orders for failure to appear? How many are ultimately denied asylum by an immigration judge?

How many individuals were detained in 2021 and for how long? Were they deported or released into American communities? If they were released what was the percentage that have since recommitted crimes?

Why did the administration promote Kamala Harris to serve as the nation's border czar when she has publicly opposed ICE and immigration enforcement (and still hasn't traveled to the southern border after 44 days)?

How can the Biden administration blame limited resources in enforcement agencies as a hindrance when the administration continues to handcuff ICE and CBP?

Does the Biden administration intend to provide a full accounting of the costs associated with the current border crisis? If so, when? And if not, why not?

- Manpower: Border Patrol reassignments; FEMA, DHS; government employee “volunteer” time, etc.
- Detention facility construction and maintenance
- Care of migrants, particularly UACs
- Transportation of migrants to interior locations
- State & local impact: education, health care, long-term housing, etc.
- Impact of diversion of funds from other pressing social needs: Veterans’ care, homelessness, upgrades to education, etc.
- Accountability by NGOs. Who is monitoring the NGOs assisting migrants and ensuring that the money is being spent for the purposes it was intended?

Oversight of NGOs and “Stakeholder” Organizations

During crucial policy decisions, will the Biden administration invite groups “to the table” that endorse border security and limited immigration to offer viewpoints and concerns shared by millions of Americans?

How is the administration ensuring that the federal grant money going to organizations like USCCB and Lutheran Services for housing UACs is actually going to their housing costs and that these organizations are not shifting the costs onto the states by placing the UACs in foster care and displacing American kids?