

Debunking Bipartisan Border Deal Myths



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When a group of bipartisan senators released a historic border security deal last week that would enact the toughest, and fairest, set of border and asylum reforms in history, a Trump-led revolt killed it. Part of killing this historic deal was a coordinated misinformation campaign to duck responsibility and deflect blame. We debunk these myths below.

Myth: The bipartisan border deal would allow 5,000 illegal immigrants into our country every day, adding up to 1.8 million a year.

Truth: This is a 4-Pinocchio lie. The bill would require the President to close the border between ports of entry when migrant **encounters** hit above 5,000 a day on average for a week. It would also require the President to close the border if encounters on a single day exceed 8,500. These migrants aren't released into the country. They are processed like all other migrants and placed in expedited removal proceedings. During these proceedings, migrants can apply for asylum if applicable under US law, but if they can't prove they have a right to stay in the country, they will be sent home.

Once the border is closed via these triggers, migrants who cross in between ports of entry will be immediately deported and ineligible to apply for asylum. Unaccompanied children are exempted from the new emergency authority and would be processed through the usual routes.

Myth: The bill would expand work authorizations for illegal aliens while failing to include critical asylum reforms.

Truth: This is a 4-Pinocchio lie. The bill would expand work authorizations for migrants trying to legally enter the United States through the asylum system so that they can work while they wait for their case to be processed, BUT it would also make it harder to pass the initial screening to get into the country in the first place. Currently, migrants can't be granted a work authorization until six months after their asylum application was filed. This means migrants are unable to work and support their families for at least six months, making them dependent on government resources. The new provisions would provide work authorization for applicants that pass the credible fear screening in the asylum process so that while they wait in line for a court date, they can work.

The bill would also make major changes to our asylum system, ones Republicans have asked for repeatedly. It would raise the standard in the initial credible fear screening from "significant possibility" to "reasonable possibility" of persecution. This is a stricter standard that requires a higher burden of proof from asylum applicants, meaning fewer people will make it past the credible fear

screening and into the country to have their cases fully heard. The bill also includes provisions to shorten the processing time of asylum applications to 90 days because migrants shouldn't have to wait years to make their case.

Myth: The deal's language allowing illegal immigrants to be 'released from physical custody' would effectively endorse the Biden 'catch and release' policy.

Truth: This is a 4-Pinocchio lie. For years, families arriving at the border have been allowed to settle in the country with family or friends while they wait for their asylum cases to be heard. This was standard operating procedure during the Trump Administration as well, which released hundreds of thousands of migrants into the US, before pivoting to putting them in detention centers and kids in cages.

This bill does not endorse catch and release. In fact, it includes \$3.2 billion to expand Immigration and Customs Enforcement (ICE) detention capacity from 34,000 to 50,000 beds. Single adults will be placed in detention, while unaccompanied children and families will be offered alternatives to detention. Families will be allowed to settle in the country under supervision while they wait for their case to be heard, and more migrants will be kept in detention than under the current system.

Myth: President Biden already has the authority he needs to fix the border.

Truth: This is a 4-Pinocchio lie. President Biden has signed more than 500 executive actions on immigration since he took office, far more than Trump signed. But he doesn't have the power to make the changes that are most needed, like changing immigration laws and increasing funding for the border and immigration courts. That power lies with Congress. Even Trump admitted he needed Congress to pass border legislation; it wasn't something he could do unilaterally.

Myth: The Senate "amnesty" bill erases our borders.

Truth: This is a 4-Pinocchio lie. This is not an amnesty bill. It provides asylum to people who qualify under US law using a higher standard than today and deports those who do not qualify.

The bill does not erase our borders. It enacts the toughest border security reforms in history, allowing the President to temporarily close the border between ports of entry and send people away without even allowing them to make an asylum case when the system is overwhelmed. It also includes funding for more than 1,500 Customs and Border Protection (CBP) personnel and is endorsed by the border patrol union.

Myth: The border bill gives taxpayer-funded lawyers to illegal immigrants.

Truth: This is a 3-Pinocchio lie. The bill would provide legal counsel to unaccompanied children 13 years or younger. Unaccompanied children are some of the most vulnerable in our immigration system and should not be left to navigate it on their own. We have both a moral and legal duty to enforce US law and ensure that these children receive due process in making their case.

Conclusion: This bill cannot be beaten on toughness, thoroughness, or fairness; it can only be beaten by politics and lies.

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