



Fact Sheet: The White House’s Proposed Immigration Policies Will Worsen Conditions at the Border

The White House and lawmakers are seriously considering proposals that would further restrict asylum, expand expedited removal, detain families, and revive Title 42. These policies will do nothing to deter people from seeking safety and will do more to inflict disorder, create backlogs and delays, and keep families separated and/or stranded in danger in Mexico.

In this fact sheet, we outline how these policies will negatively affect border communities and worsen conditions at the border. We also provide alternative policies that have proven to be productive, effective, and humane in our community.

1. An asylum cap and Title 42-alike policies will leave asylum seekers stranded in danger and will strain the resources of Mexican border cities.

Policies that aimed to leave people stranded in Mexico—like the Migrant Protection Protocols, also known as the Remain in Mexico policy, and Title 42—have proved to be more harmful than productive for border communities. Unable or waiting to access protection in the U.S. and returned under a possible asylum cap, Mexican border city resources and communities will be strained in providing humane attention.

Alternative: Congress and the Biden Administration should increase critical aid to address regional protection gaps driving many to flee north, and urgently increase support for safe shelter and other dire needs in the U.S.-Mexico border.

2. An asylum cap and Title 42-alike policies will increase irregular border crossings, resulting in operational chaos and sparking a humanitarian crisis.

Out of desperation waiting in daunting conditions or returning to danger, the [proposed policies will incentivize irregular border crossings](#), often through dangerous routes, resulting in more severe injuries, death, and likely entry without inspection. Indeed, [Title 42 did not prevent people from seeking safety but increased the number of attempts to enter](#) the U.S. As the Biden Administration itself concurred, the Remain in Mexico policy and policies alike [“imposed unjustifiable human costs, pulled resources and personnel away from other priority efforts, and did not address the root causes of migration.”](#)

Alternative: Congress and the Biden Administration should create asylum pathways reflecting risks from crime, political instability, extreme poverty, violence, and climate change. Lawmakers should also expand Customs and Border Protection’s (CBP) Office of Field Operations’ capacity to



process asylum seekers at ports-of-entry in a timely, orderly, and dignified manner, and publicize this route.

3. Caps will create backlogs and delays.

Imposing a cap on asylum applications or grants of asylum would create more, not less, of an administrative burden. Asylum caps have shown to [complicate and slow down the asylum review process](#). A cap on applications for or grants of asylum could lead to ballooning wait lists, increased numbers of asylum seekers waiting along the Mexican side of the border, and adjudications-within-adjudications related to implementing the cap.

Alternative: a more productive policy would properly staff asylum and immigration court adjudications and restart the use of the Biden Administration's new asylum processing rule to help adjudicate a greater number of asylum cases more efficiently, ensuring access to legal counsel.

4. Expedited removals will lead to family separation and deprive asylum seekers of the opportunity to integrate into their communities.

Nationwide expedited removal threatens the unity and well-being of tens of thousands of immigrant families who have long been integrated into our communities—including U.S. citizen children in mixed-status families—by separating them in rushed procedures without access to counsel in many cases. Furthermore, when the Department of Homeland Security rescinded the Trump-era policy that would implement expedited removal in the interior, the agency acknowledged individuals apprehended in the interior [“may have developed significant ties to the community.”](#)

Alternative: Apart from properly funding USCIS to process asylum applications more efficiently, Congress should aim to pass solutions to provide a pathway for citizenship for undocumented people and DACA recipients; provide temporary appropriations to USCIS to surge employment authorizations, and facilitate the economic integration of newly arrived asylum seekers by eliminating regulatory barriers, particularly the 180-day asylum clock. The Administration must grow federal support for proven alternatives to detention, including funding and expanding the Case Management Pilot Program.

5. Expedited removals will hurt local resources and the economy.

An expedited removal policy will redirect crucial resources from processing and welcoming migrants to expelling them. It will increase unexpected fiscal burdens and strain law enforcement resources in border communities. Additionally, a ProPublica study found that [“deporting the](#)



[estimated 11.3 million undocumented people in this country would be an almost \\$8 trillion hit to the economy over the next 14 years.](#)

Alternative: Congress and the Biden Administration should focus on ramping up plans to expand regional refugee settlement and strengthen the administration's pivotal parole initiatives.

6. Mass incarceration of families seeking asylum and immigrants in the interior is costly and will have severe impacts on families and children.

Restricting ICE's ability to parole people out of jail will dramatically increase the number of people detained, requiring the administration to construct jail beds on a massive scale or force migrants into dangerous tent cities. Children could either be detained with their families or separated from their parents.

Alternative: Construct non-custodial spaces where federal agencies are co-located with NGOs and shelters to carry out processing, coordinate release, and provide effective case management for newly-arrived migrants. Additionally, lawmakers should create a policy that allows non-immediate family units traveling together to remain together and be processed together, reducing the burden on government and NGO entities tracking and assisting family members in reuniting with their relatives after being released from detention.

7. These approaches will make BIPOC populations, which are very prevalent in border communities, more vulnerable to discrimination and racism.

Anti-immigration policies have proven to be burdensome for BIPOC populations. They put Black, Brown, and Indigenous immigrants and U.S. citizens at greater risk of being targeted and harmed by such measures.