

RESPONDING TO THE SUPPLEMENTAL APPROPRIATIONS BILL(S) AND IMMIGRATION ISSUES

Any effort to trade Israeli and Ukrainian aid for immigration provisions in HR 2 or otherwise that would structurally change asylum, parole, expedited removal, and visa overstays in the United States are misguided and will not end the flow of people seeking to leave their countries. By adding additional layers of complexity to asylum law, it will simply result in grossly overcrowding and inhumane conditions in prisons and detention centers at the border that currently cannot detain people and it does nothing to stop smugglers or address the root causes of flight. It is also contrary to our obligations under the United National Protocol and Convention Relating to the Status of Refugees and other international obligations.

In the United States we have a crisis, but it is not at the border. It is in the interior of the United States where we have severe employment shortages affecting every aspect of our economy. It is a workforce shortage crisis. The Bureau of Labor Statistics has reported that as of August 2023 we have nine million six hundred thousand (9,600,000) job openings including 616,000 in manufacturing, 1,333,000 in trade, transportation and utilities, 662,000 in financial activities, 1,941,000 in professional and business services, 1,931,000 in education and health services, 1,020,000 in accommodation and food services, and 1,052,000 in government services. By region we need 1,541,000 in the Northeast, 3,789,000 in the South, 2,065,000 in the Midwest, and 2,216,000 in the West. This, of course, does not even begin to address the devastating loss of farmworkers throughout the U.S. which is causing massive destruction to U.S. farms and crop production.

The view that Democrats must cave into Republican hysteria about the border is a strategy that has been unsuccessful for the past three decades. Throwing billions of dollars at more high-tech equipment and more border officers and soldiers has done nothing to slow the migrant flow. The issue is not the border but how we move people into the interior of the United States where we need workers and how we stop smuggling and inhumane conditions in the countries of origin.

Here is a plan that makes sense and addresses the real problems in immigration and helps the workforce of the United States:

1. Substantially increase funding for anti-smuggling operations throughout the Western Hemisphere. Money that would go to the "border" would be better served in stopping smugglers from bringing people to the border.
2. Instead of changing the criteria for "credible fear" or "expedited removal" provide the resources to increase the number of immigration judges, asylum officers, and CBP Field Operations Officers at the border so that determinations may be made in weeks not months regarding asylum. Border courts would ensure due process, appoint defense counsel and provide strict time limitations. This must be coupled by the restoration of judicial review to provide, at least in cases of gross misfeasance, review of officers' conduct. No one is above the law except current CBP officers in expedited removal and other immigration officers in additional circumstances.

3. Provide increased resources to border organizations and cities and counties throughout the U.S. to expedite the removal of people from the border to the interior of the U.S. This must be coupled with a mandate that cities and counties throughout the U.S. are required to accept proportional numbers of people to their populations and economic need. Funds must be given to the cities and counties to cover expenses and resettlement but must be coupled with the mandate they accept people in their cities and counties.
4. Economic development centers for manufacturing must be established in the Northern Triangle and other countries to ensure that the United States does not have a supply chain problem as we had during COVID. Once again, the PRC is far ahead of the U.S. in this area. They are already establishing massive manufacturing centers in Mexico and other Central American countries to prevent another supply chain problem from arising in the future. We need to encourage U.S. business to do the same. Economic development on a large scale will certainly slow the pace of people seeking entry to the U.S.
5. Changing definitions for asylum, exceptions to asylum, and credible fear does nothing to stop people from coming to the United States. If these changes are sought, they should be limited solely to exceptions under current law. For example, “interpersonal disputes” or “being subject to recruitment” without more is currently not a basis for asylum. In addition, using alternatives to detention based upon providing cell phones and other nonintrusive methods of checking on the location of persons in removal should not be opposed universally. However, in exchange for these concessions, members of Congress should seek:
 - a. A broad application of the registry provision to 2023 in recognition of the needs of the U.S. labor market.
 - b. Structural changes to adjustment of status that make it easier to become a resident without leaving the U.S. including eliminating 245(c)(2) and (c)(8) and allowing persons who are EWI to adjust.
 - c. The end to the counting of derivatives in family and employment law
 - d. A statute of limitations on all grounds of inadmissibility
 - e. A waiver of all grounds of inadmissibility
 - f. Reestablishment of judicial review to ensure that persons given expedited treatment at the border have due process.