

H. Res. 1065

In the House of Representatives, U. S.,

March 12, 2024.

Whereas President Joe Biden and Secretary of Homeland Security Alejandro Mayorkas have created the worst border security crisis in the Nation's history;

Whereas President Biden, beginning on day one of his administration, systematically dismantled effective border security measures and interior immigration enforcement;

Whereas the Biden administration's open-borders policies have incentivized nearly 9,300,000 illegal aliens from all around the world, including criminal aliens and suspected terrorists, to arrive at the southwest border;

Whereas the Biden administration has allowed at least 6,300,000 illegal aliens from the southwest border to travel to American communities;

Whereas current immigration law allows for the United States to enter into asylum cooperative agreements with other countries to allow for the removal of certain aliens seeking asylum in the United States;

Whereas asylum cooperative agreements provide the United States with another tool to reduce the incentives for illegal immigration;

Whereas asylum cooperative agreements increase cooperation with United States allies in the Western Hemisphere and around the world and promote shared responsibility;

Whereas the previous administration announced asylum cooperative agreements with El Salvador, Guatemala, and Honduras;

Whereas the Biden administration suspended and terminated these asylum cooperative agreements as part of its open-borders agenda that has encouraged mass illegal immigration to the southwest border;

Whereas the Biden administration retains the ability to negotiate asylum cooperative agreements with those countries but has refused to do so, despite historic illegal immigration at the southwest border;

Whereas the Immigration and Nationality Act mandates that the Secretary of Homeland Security detain inadmissible aliens arriving at the border who express an intention to apply for asylum or fear of persecution;

Whereas the Immigration and Nationality Act mandates that the Secretary of Homeland Security detain, during removal proceedings, aliens who arrive at the border and are found to be inadmissible;

Whereas the Biden administration has purposely violated United States immigration law by refusing to detain inadmissible aliens arriving at the border;

Whereas, the Biden administration could comply with the mandatory detention statutes of the Immigration and Nationality Act;

Whereas the Biden administration's purposeful violation of the mandatory detention statutes of the Immigration and

Nationality Act has resulted in the mass release of millions of illegal aliens into United States communities;

Whereas current immigration law allows for inadmissible aliens to be expeditiously removed from the United States once encountered at the border unless they establish a credible fear of persecution;

Whereas the Biden administration has released millions of illegal aliens into the United States without even processing them for expedited removal to be screened for asylum eligibility;

Whereas, of the 5,600,000 illegal alien encounters from January 20, 2021, through August 31, 2023, the Department of Homeland Security placed only 6.8 percent of those illegal aliens into expedited removal proceedings to even be screened for asylum eligibility;

Whereas, of the illegal aliens who were not found to have a credible fear of persecution, roughly 40 percent were not removed and remained in the United States as of August 31, 2023;

Whereas, of the illegal aliens who were processed for expedited removal and who did not even attempt to make a claim for asylum, the Biden administration cannot confirm removal or return from the United States for nearly a third of those illegal aliens;

Whereas the Biden administration could expand expedited removal to more quickly remove illegal aliens at the border and screen more illegal aliens for asylum eligibility instead of mass releasing them into the United States;

Whereas the Biden administration's limited use of expedited removal only incentivizes illegal immigration and worsens the border crisis;

Whereas, despite its effectiveness, the Biden administration terminated the Migrant Protection Protocols;

Whereas the Biden administration has purposely violated United States immigration law by abusing discretionary case-by-case and other parole authorities to mass parole illegal aliens who would otherwise have no legal basis to enter and remain in the United States;

Whereas the Biden administration's proposed solution to the border crisis failed to address catch-and-release valves such as the Flores Settlement Agreement and the Trafficking Victims Protection Reauthorization Act that incentivize surges of unaccompanied alien children and adults arriving with children to come to the southwest border putting children's lives at risk;

Whereas the Biden administration could end its catch-and-release policies;

Whereas the Biden administration's proposed solutions to the border crisis did nothing to end catch-and-release but instead mandated mass releases of illegal aliens at the southwest border;

Whereas parks, schools, police stations, recreation centers, hotels, and airports have been repurposed for use as shelters for illegal aliens;

Whereas the Biden administration's open-borders policies have strained State and local social services resources as the millions of illegal aliens who have entered since January 20, 2021, compete with Americans and legal immigrants for those resources;

Whereas current immigration law empowers the President to "suspend the entry of all aliens or any class of aliens . . . or impose on the entry of aliens any restrictions he

may deem to be appropriate” “[w]henver the President finds that the entry of any aliens or of any class of aliens into the United States would be detrimental to the interests of the United States”;

Whereas the Supreme Court has described the President’s suspension of entry authority as an authority that “excludes deference to the President in every clause”;

Whereas President Biden has cited his suspension of entry authority in other instances but has refused to use that authority to address the border crisis;

Whereas President Biden retains the power to use his suspension of entry authority to address the border crisis;

Whereas President Biden’s refusal to use his suspension of entry authority ensures that the border stays open, endangers the homeland, and encourages illegal immigration; and

Whereas President Biden has claimed he is powerless to address the border crisis through executive action: Now, therefore, be it

Resolved, That the House of Representatives—

(1) affirms that, in order to help control the crisis at the border that it has created, the Biden Administration has the authority to—

- (A) end the catch-and-release policy;
- (B) reinstate the Migrant Protection Protocols;
- (C) enter into asylum cooperative agreements;
- (D) end abuses of parole authority;
- (E) detain inadmissible aliens;

(F) use expedited removal authority; and

(G) rein in taxpayer-funded benefits for illegal aliens;

(2) affirms that the Biden Administration is refusing to use such authorities; and

(3) urges the Biden Administration to immediately begin using such authorities.

Attest:

Clerk.