

**Statement for the Record  
House of Representatives  
Committee on Homeland Security  
Full Committee Mark-up of H.R. 2794, the “Border Reinforcement Act of 2023”  
April 26, 2023**

The National Immigrant Justice Center (NIJC) has for over three decades dedicated itself to ensuring human rights protections and access to justice for immigrants, refugees, and asylum seekers. NIJC provides direct legal services to approximately 10,000 low-income individuals each year and advocates for these populations through policy reform, impact litigation, and public education.

NIJC stands in strong opposition to the “Border Reinforcement Act of 2023” that will be marked up in the House Committee on Homeland Security on April 26, 2023. This bill brings together a variety of hateful proposals that take aim at migrants and asylum seekers, expanding the harmful border wall and cutting vital services for families and children. This bill, if implemented, would: force DHS to violate the law by denying asylum seekers entry between ports of entry; allow CBP to ignore laws to expand the border wall; prevent NGOs from providing essential services to immigrant communities; and cut funding for vital case management and shelter services.

The many harmful provisions in this bill include:

- **Expanding CBP’s border wall authority:** Allows for CBP to bypass laws, including environmental protections, to carry out wasteful and harmful border infrastructure-related design, construction, and operations.
- **Blocks DHS from abiding by U.S. law:** Takes away funding from DHS to process migrants and asylum seekers arriving between ports of entry, forcing DHS to violate Section 208 of the INA, which requires that people arriving at or between ports be granted access to asylum.
- **Blocks NGOs from providing essential services:** Bars NGOs from receiving DHS funds if that NGO provides any services to any person, including children, who has ever entered the U.S., whether at or between ports of entry. This would cut funding for NGOs providing assistance to undocumented individuals and bar them from assisting any person who had entered the U.S. without status.
- **Blocks funding for case management and shelter programs:** Strips previously-appropriated funding for case management and border shelter services programs. This would bar funding for critically needed services that are vital to humane processing at the border and alleviate pressure on DHS agencies.

The United States has the moral and legal obligation to ensure asylum access to those arriving at U.S. borders and ports. Policies that uphold this obligation are vital to protect the rights of migrants and central to a functioning border processing system. Policies that block or restrict access to asylum at ports of entry not only violate the law, but force people to seek entry through dangerous terrain, leading to record-high numbers of [deaths on the border](#) and fueling criminal networks that prey on migrants in desperate situations. Closing off asylum access and implementing punitive programs at the border causes widespread harm and is ineffective toward the government's stated goals. The United States must shift away from punishing migrants arriving at the U.S. southern border and Congress must ensure that resources are allocated towards processing and humanitarian needs.

The bill fails to provide any reasonable or logical solutions or provide any tangible plan for efficient management in U.S. border regions. Further, it follows a problematic trend where some members of the 118th Congress are using Committee hearings as a platform to advance anti-immigrant hatred and white supremacist ideas. NIJC submitted written [testimony](#) in February calling on committee members to reject hateful rhetoric that furthers misinformation regarding migrants and the U.S. immigration system. NIJC urges Members of Congress to vote no on this hate-based legislative package, which represents a dangerous form of lawmaking rooted in fear and xenophobia.

Contacts:

[Heidi Altman](#), NIJC Director of Policy

[Jesse Franzblau](#), NIJC Senior Policy Analyst