

**Statement for the Record
House of Representatives
Dismantling Asylum is Not a Solution: Oppose the Secure the Border Act of 2023
May 11, 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 [Secure the Border Act of 2023](#) (H.R. 2), scheduled for a vote in the House of Representatives on May 11. The bill is a patchwork of extreme anti-immigrant proposals that would only add to more chaos at the border. It brings together a variety of illogical measures that would shut down the U.S. asylum system and target families and children for the cruelest forms of treatment. This legislation would subject asylum-seeking families and children to prolonged incarceration, and further criminalize and destabilize immigrant communities in the United States.

The bill would prevent the U.S. from adhering to its legal and moral obligations to process asylum seekers, and install a draconian, restrictionist framework for immigration law. Many of these provisions recycle or copy the [barrage of anti-asylum policies and regulations](#) proposed or implemented by the Trump administration – and some of them enjoined in court given their blatant violation of U.S. domestic and international obligations. The most harmful provisions of the bill include:

- **Ending asylum:** A complete anti-asylum legislative overhaul contravening decades of U.S. and international law that would make asylum protections unavailable to many categories of vulnerable refugees, including survivors of domestic violence and gang-related violence;
- **Criminalizing visa overstays:** A new federal crime for any person in the United States who has, even mistakenly, failed to comply with the requirements of a tourist, student, or other non-immigrant visa for more than 10 days, criminalizing countless members of our communities;
- **Rapid deportations without due process:** Shocking provisions granting new statutory authority to the executive branch to expel or return people seeking asylum at the border absent a policy of universal detention or third country return for all arriving asylum seekers;
- **Jailing and targeting immigrant families:** Codification of family detention and the resurrection of the harmful Trump-era policy that used unaccompanied [children as bait](#) to conduct sweeping enforcement actions against their families;

- **Eviscerating protections for children:** Turning back the clock on [decades](#) of protection for abused, abandoned, and neglected children, and making it incredibly difficult for unaccompanied children within the United States to qualify for legal relief;
- **Forcing families to ‘Remain in Mexico’:** Reestablishing the Remain in Mexico program, where asylum seekers, including unaccompanied children, are forced to wait in extremely dangerous conditions in Mexico pending immigration proceedings in the U.S.;
- **Expanding CBP’s border wall authority:** Allows for U.S. Customs and Border Protection (CBP) to bypass laws, including environmental protections, to carry out wasteful and harmful border infrastructure-related design, construction, and operations.
- **Violating other laws:** Takes away funding from the Department of Homeland Security (DHS) to process migrants and asylum seekers arriving between ports of entry, forcing DHS to violate Section 208 of the Immigration and Nationality Act, which requires that people arriving at or between ports be granted access to asylum;
- **Blocking essential services:** Bars DHS from providing funds to organizations that provide any transportation, lodging or immigration legal services to individuals found to be inadmissible who enter the U.S. after the enactment of the bill.
- **Preventing case management and shelter programs:** Strips previously-appropriated funding for case management and border shelter services programs, cutting funds for 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 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 Secure the Border Act of 2023 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 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.

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