

The Human Consequences of Biden’s Forthcoming Attempt to “Shut Down” the Border

June 3, 2024

[Numerous reports](#) indicate that the Biden administration plans to issue an executive order as early as [Tuesday, June 4](#), to [eviscerate the ability to seek protection](#) through lawful means at the U.S. border. The order would likely close the border to nearly all asylum seekers, without any process or individualized review, based only on the average total number of daily border encounters.

This anticipated measure is one of [several](#) that could be issued this month, connected to the presidential campaign. [Tomorrow’s order](#) is [expected to rely](#) on the [section](#) of the Immigration and Nationality Act that Trump employed – [unlawfully](#) – to enact the [Muslim Ban](#).

The Expected Border Closure Policy:

The order the Biden administration is expected to issue on Tuesday, June 4, 2024, may close the border to asylum-seekers once a [2,500 daily encounter average](#) is hit over the course of a week. Such a trigger would likely occur immediately. In 2024, [monthly encounters](#) have hovered between 176,000 and 190,000, for daily averages around 6,000.

This new measure could cause a humanitarian crisis at the border and artificially increase the number of people waiting to seek asylum. The border could remain closed indefinitely, with even fewer humanitarian carve-outs to the policy than existed during the Trump administration.

The Policy Consequences:

This measure would make it legal to summarily expel asylum seekers. It would likely increase repeated attempts to enter the United States, create dangerous and deadly camp conditions on the Mexican side of the border, result in *refouling* people to danger, empower smugglers and organized crime, and deny people with viable asylum claims the ability to seek safety. It would breach U.S. obligations under international law to afford the opportunity to seek asylum to those who meet a basic threshold.

The Human Impact:

The [International Refugee Assistance Project \(IRAP\)](#) represents refugees and asylum seekers who suffer grave and life-threatening consequences because of the administration’s border actions.

- ***IRAP client “Marlo” fled Honduras*** with his young daughter, “Nadia,” strapped to his back in pursuit of urgent medical care for her. Nadia has hydrocephalus, preventing her from walking or eating by herself and causing multiple seizures daily. Upon reaching the U.S. border, officials turned Marlo and Nadia away because another border closure

measure, Title 42, was in place. It was only with IRAP assistance in obtaining a rare exemption – one that is not reportedly built into the rule Biden is set to issue – that Marlo and Nadia could enter the United States. Nadia is now thriving with appropriate medical care. Mass expulsion policies mean children like her face devastating risks to their lives and a real chance of being *refouled* to the countries they have fled.

- **IRAP client “Maylin” fled Guatemala** to Mexico with her two children after her ex-partner attempted to kill her in Guatemala. Her U.S. citizen brother petitioned to bring Maylin and her children to the United States. Maylin’s ex-partner found her in Mexico and attempted to kidnap her children and kill her. It is only because of the executive branch parole authority that Maylin and her children were able to enter the United States lawfully, as parolees, where she is able to safely await the adjudication of her brother’s petition for her to become a Lawful Permanent Resident. Under the proposed border closure measure, people like Maylin who have pending permanent U.S. immigration relief might not have any individualized review before being sent back to Mexico or their countries of origin.
- **IRAP client “Ruth” fled Venezuela** with her family after being attacked for working on an anti-government publication. The family sought asylum in Mexico, but after one member of Ruth’s family was arbitrarily detained in Mexico, they were forced to flee to the United States before their claims were adjudicated. They are now pursuing asylum in the United States. Under Biden’s new rule, they would have no chance to do so.

Executive Order in Context:

These latest politically-motivated plans – devoid of evidence of any lasting deterrent effect on people seeking safety in the U.S. – come amidst other recent, harmful measures enacted by his administration:

- On May 31, 2024, the Department of Justice (DOJ) [directed](#) an increase in federal prosecutions for reaching the United States between ports of entry – the policy that undergirded Trump’s [family separation policy](#) – relying on the [federal law](#) that the DOJ has [admitted](#) was rooted in white supremacy when Congress enacted it in 1929.
- On May 13, 2024, the Department of Homeland Security issued a [proposed rule](#) to stack the asylum process against families and individual asylum seekers by front-loading convoluted evidentiary questions when people have the least opportunity to understand what is being alleged against them, let alone defend themselves.

Critically, all of these measures compound the [egregious harm](#) caused by the administration’s [asylum ban](#) and [other restrictive measures](#) implemented in the last year. Together, they represent a remarkable capitulation by the Biden administration to xenophobic politicians who thrive on fear-mongering and scapegoating immigrant communities. These Biden policies are a moral stain on the country and a grave political miscalculation.