

118TH CONGRESS
2D SESSION

S. RES. _____

Denouncing the Biden Administration's immigration policies.

IN THE SENATE OF THE UNITED STATES

Mr. SCOTT of Florida (for himself, Mr. BUDD, Mr. CRAMER, Mrs. CAPITO, and Mr. HOEVEN) submitted the following resolution; which was referred to the Committee on _____

RESOLUTION

Denouncing the Biden Administration's immigration policies.

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

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 communities within the United States;

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 at the southwest border;

Whereas the Biden Administration retains the ability to negotiate asylum cooperative agreements with El Salvador, Guatemala, and Honduras but has refused to do so, despite historic illegal immigration at the southwest border;

Whereas clauses (ii) and (iii)(IV) of section 235(b)(1)(B) of the Immigration and Nationality Act (8 U.S.C. 1225(b)(1)(B)) require the Secretary of Homeland Security to detain inadmissible aliens arriving in the United States who indicate either an intention to apply for asylum under section 208 of that Act (8 U.S.C. 1158) or a fear of persecution;

Whereas the Immigration and Nationality Act provides for the Secretary of Homeland Security to detain, during re-

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

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

Whereas nearly a third of the illegal aliens who were processed for expedited removal and who did not even at-

tempt to make a claim for asylum cannot be confirmed by the Biden Administration as having been removed from the United States;

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 the Biden Administration terminated the Migrant Protection Protocols despite their effectiveness;

Whereas the Biden Administration has purposely violated United States immigration law by abusing discretionary case-by-case authority 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 William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (Public Law 110-457; 122 Stat. 5044) 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 release 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 United States citizens and legal immigrants for those resources;

Whereas section 212(f) of the Immigration and Nationality Act (8 U.S.C. 1182(f)) 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, in *Trump v. Hawaii*, 138 S. Ct. 2392 (2018), the Supreme Court described the President’s suspension of entry authority as an authority that “exudes 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 United States, 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

1 *Resolved*, That the Senate—

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

5 (A) end the catch-and-release policy;

6 (B) reinstate the Migrant Protection Pro-
7 tocols;

8 (C) enter into asylum cooperative agree-
9 ments;

10 (D) end abuses of parole authority;

11 (E) detain inadmissible aliens;

12 (F) use expedited removal authority; and

13 (G) rein in taxpayer-funded benefits for il-
14 legal aliens;

15 (2) affirms that the Biden Administration is re-
16 fusing to use such authorities; and

17 (3) urges the Biden Administration to imme-
18 diately begin using such authorities.