

Biden White House prepares Trump-style anti-immigrant executive order barring asylum claims

Jacob Crosse
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On Wednesday evening, several media outlets, including CNN and the *New York Times*, reported that President Joe Biden is seriously considering issuing an executive order that would block most people who travel to the United States from claiming asylum.

The executive order under consideration is based on Section 212 (f) of the 1952 Immigration and Nationality Act, which provides the president sweeping authority to block immigration for anyone deemed “detrimental to the interest of the United States.” The Biden administration has previously invoked that authority 16 times, including against countries such as Russia and Myanmar.

In his weekly campaign rallies, the fascist Republican front-runner for president, Donald Trump, frequently invokes Section 212 (f) when he promises to embark on the “largest deportation operation in history.” Trump, promises, as Biden is contemplating now, to “deny entry” based on “national security” considerations.

Trump previously used the exact same legal provision when he announced his first travel ban a week after his 2017 inauguration. Trump’s executive order banned travel to the US for 90 days from seven predominately Muslim countries: Iran, Iraq, Libya, Somalia, Sudan, Syria and Yemen. The order also barred the resettlement of any Syrian refugees.

In response to Trump’s attack on immigrants, outraged workers, immigrants and protesters flooded airports and border crossings across the country. The mass outpouring in support of the democratic right of workers, regardless of their religion or where they were born, to immigrate to America terrified the Democratic Party, which immediately sought to divert the movement back into the framework of two-party electoral politics in order to snuff it out.

Democrats called on protesters to “remember in November” and elect them to Congress and the White House so they could pass laws “protecting” immigrants.

Far from protecting immigrants, since coming into office Biden has continued virtually all of Trump’s policies, including using Title 42 to expel 2.8 million people between March 2020 and May 2023. Since the ending of Title 42 last year, agents

with the Department of Homeland Security (DHS) have carried out more than 470,000 “removals or returns,” while an average of 28,000 people are in DHS detention facilities at any one time.

In addition to carrying out mass deportations, last year the Biden administration waived over two dozen federal laws in order to resume construction of portions of Trump’s border wall in South Texas.

Far from standing up for the democratic right of working people to travel, live and work where they wish, the Biden administration has done nothing in response to Texas Gov. Greg Abbott’s usurpation of federal authority along the US-Mexico border, even as Abbott blocks US Border Patrol access along a section of the Rio Grande and deploys buoys equipped with saw blades and concertina wire in and along the river.

Now, seven years after Trump first used 212 (f) to ban entry to the US, Biden and the Democrats, after promising to undo all of Trump’s anti-immigrant executive orders if elected into office, are preparing to unleash an even more vicious and sweeping attack on immigrants.

Citing anonymous sources within the Biden White House, CNN reported that the proposed executive order is currently being reviewed by the Justice Department’s Office of Legal Counsel to see if it could survive court challenges. While the exact text has yet to be released, multiple outlets have reported that it is based on the anti-immigrant provisions in the stalled legislation that combined border repression and a huge increase in war spending for Ukraine and Israel in a single \$118 billion package.

In an attempt to secure fascistic Republican support for the war bill, which included over \$60 billion for the ultra-right regime in Kiev, infested with neo-Nazis, and over \$14 billion for the genocidal Israeli attack on Gaza, the Biden administration and a majority of congressional Democrats agreed to provide over \$20 billion to border enforcement efforts conducted by the sprawling Department of Homeland Security.

Coupled with this infusion of cash, which would have nearly doubled the current budget of the Immigration and Customs Enforcement (ICE) agency, the bill would have provided Biden

and his successors new authority to “shut down” immigration to the United States along the southern border if certain low thresholds were met.

During a “shut-down” period, the president could deny virtually all asylum claims of those seeking to enter the United States. Currently, anyone who is able to reach American soil is able to file an asylum claim to stay in the country, with the vast majority of migrants coming to the US through the Mexican border submitting themselves to Border Patrol agents after crossing the border “illegally,” in order to file such a claim.

Despite the right-wing character of the bill, House Speaker Mike Johnson, at the request of Trump, has so far refused to bring it to the floor for a vote. Backing up Trump’s opposition, Georgia Representative and QAnon fascist Marjorie Taylor Greene has promised to file a motion to vacate against Johnson to force a vote on replacing him as speaker if he brings the bill to the floor.

As of this writing, Biden has yet to comment publicly on the proposed executive order. However, in a widely distributed statement, White House spokesperson Angelo Fernández said:

The Administration spent months negotiating in good faith to deliver the toughest and fairest bipartisan border security bill in decades because we need Congress to make significant policy reforms and to provide additional funding to secure our border and fix our broken immigration system.

Fernández continued, “No executive action, no matter how aggressive, can deliver the significant policy reforms and additional resources Congress can provide and that Republicans rejected.” He added, “We continue to call on Speaker Johnson and House Republicans to pass the bipartisan deal to secure the border.”

Biden’s proposed executive order has provoked an outpouring of anger from immigrant and human rights groups. Azadeh Erfani, a senior policy analyst at the National Immigrant Justice Center, told the *Hill*:

The executive actions the Biden administration is considering harken back to some of the darkest chapters of the Trump presidency—leaning on an authority his predecessor used to advance unapologetically racist, Islamophobic and blatantly unlawful attacks on immigrants and asylum seekers.

Amy Fischer, director of refugee and migrant rights with Amnesty International USA, said the “clear intention behind President Biden’s newest proposed deterrence policy is to

create so much fear, pain, and suffering at the border that vulnerable communities abandon their right to seek asylum and instead return to face the violence they are fleeing.”

In response to Biden’s latest adaption to Trump and the Republicans’ draconian and inhumane immigration policies, Democrats who have already endorsed “Genocide Joe” took to social media to try to save face. Rep. Alexandria Ocasio-Cortez three years ago denounced those who made comparisons between Biden and Trump’s anti-immigrant policies as “doing a profound disservice to the cause of justice,” but she now tweets, “Doing Trump impressions isn’t how we beat Trump... The mere suggestion is outrageous and the President should refuse to sign it.”

Why Biden would refuse to sign his own executive order being drafted at his instruction Ocasio-Cortez did not explain.

Biden’s latest moves to ban the right to asylum and lay the groundwork for a further attack on the democratic rights of the working class confirm that neither capitalist party is willing or able to fight for immigrants and their families. Under conditions of expanding global war, the ruling capitalist parties in every country have declared war on immigrants and social programs.

The assault on democratic rights must be opposed by workers in every country. The entire framework of the debate, with each party promising to enact more repressive measures, is reactionary to the core.

The global persecution of immigrants, coupled with the whipping up of fascistic nationalism, is the response of the international bourgeoisie to the mortal crisis of the world capitalist system. The savage mistreatment of immigrants expresses the bankruptcy of the capitalist system and the need for a revolutionary socialist program based on the unity of the international working class.

The Socialist Equality Party and the International Committee of the Fourth International defend the right of workers to live and work in any country in the world without fear of deportation or repression.



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