

Biden announces plan for immigrant spouses of citizens to apply for lawful permanent residency in US, rollout remains uncertain

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Speaking from the East Room of the White House on Tuesday, President Biden announced an executive action he claimed would offer potential citizenship to immigrants without legal status who are married to American citizens.

Calling it a “common sense fix” to the fact that half a million married and undocumented immigrants have been systematically denied their basic right to US citizenship, Biden is launching the program as a transparent electoral maneuver.

The primary objective is to cover up Biden’s endorsement of the far-right policy of a crackdown and closing of the southern border and his implementation on June 4 of a Trump-style executive order that effectively abolishes the right to asylum in the US.

In that action, Biden attacked both national and international law that establishes the right of refugees to seek asylum in the US regardless of where or how they enter the country. The White House attack on asylum seekers is part of a growing assault by the Democratic Party, including the recent evictions of migrants from government-run homeless shelters in New York, Denver and other US cities.

According to an official fact sheet released by the White House, the new program for spouses is extremely limited in scope. To be eligible, “noncitizens must—as of June 17, 2024—have resided in the United States for 10 or more years and be legally married to a U.S. citizen, while satisfying all applicable legal requirements.” The statement does not give details or explain the “applicable legal requirements.” The Department of Homeland Security will review each case individually and, if a noncitizen qualifies, they “will be afforded a three-year period to apply for

permanent residency.”

The plan also offers 50,000 noncitizen children under age 21 with a non-citizen parent who married an American before they were 18 to apply for US citizenship.

Immigration rights experts have pointed to other elements of the program that expose it as a trap, such as undocumented individuals who come forward to apply being denied and turned over to deportation authorities. The rules also contain criminal record bars, and they do not address the situation facing thousands of married couples who have already been separated.

Significantly, the White House fact sheet on Biden’s supposed plan to “Keep Families Together” is largely devoted to explaining his actions taken to “secure the border,” including by barring asylum seekers from entering the country and deploying a record number of law enforcement personnel at the border.

As CNN reported, “The action is aimed at appealing to key Latino constituencies in battleground states, including Arizona, Nevada and Georgia, that will be crucial for Biden’s chances to claim a second term.”

It is not clear that the program will ever be enforced given the short amount of time before the 2024 presidential election, and the likelihood that an injunction from a right-wing judge will block it from going into effect.

While Biden said the administration’s priority is “keeping couples together when they are married, where one spouse is a citizen and the other is undocumented,” White House lawyers argued the exact opposite position before the US Supreme Court in *Department of State v. Muñoz* eight weeks ago.

In that case Sandra Muñoz, a US citizen, has been

unable to live with her husband Luis Asencio-Cordero for nearly nine years because immigration officials in the Obama, Trump and Biden administrations have prevented them from doing so. A Ninth Circuit Court of Appeals ruled in 2022 that Muñoz’s rights had been violated because the government refused to give the specific reason that her husband’s visa had been denied.

In a clear example of its right-wing anti-immigrant positions, the Biden administration refused to accept the decision of the Ninth Circuit and appealed the case to the Supreme Court. During oral arguments, the White House lawyer took the position that Muñoz had no right to challenge the denial of her husband’s visa, and did not have a right to be provided with a reason why.

The Biden administration’s representative also appealed to the Supreme Court’s far-right majority to adopt an interpretation of the so-called “doctrine of consular non-reviewability” that “protects the political branch’s ability to protect the nation’s borders and decide who is going to be admitted to the United States without judicial oversight for cases involving foreign citizens who are outside the United States.”



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