

**Statement for the Record
House of Representatives
Judiciary Committee
Full Committee Mark-up of the “Border Security and Enforcement Act of 2023”
April 18, 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 Border Security and Enforcement Act that will be marked up on April 19, 2023. This bill brings together a variety of anti-immigrant legislative proposals that take aim at the U.S. asylum system, targeting families and children for the cruelest treatment. This bill, if implemented, would effectively end the U.S. asylum system, subject asylum-seeking families and children to prolonged incarceration, and further criminalize and destabilize immigrant communities in the United States. Many of these provisions recycle or outright copy the [barrage of anti-asylum policies and regulations](#) proposed by the Trump administration – and enjoined in court given their blatant violation of our domestic and international obligations.

The many harmful provisions in this bill include:

- 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;
- Creation of 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;
- 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;
- 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; and

- Turning back the clock on [decades](#) of protection for abused, abandoned, and neglected children.

The United States has the moral and legal obligation to ensure asylum access to those arriving at U.S. borders and ports. Congress has failed for decades to provide basic protections for immigrant communities in the United States and those arriving at U.S. borders and ports seeking protection or reunification with loved ones. This bill would move United States law and policy away from progress and install a draconian, restrictionist framework for immigration law. 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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