

DAILY BEAST

Republican-led States Are Suing to Expel Legal Immigrants at the Border

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A coalition of Republican-led states is asking a district court to consider whether the Biden administration should be held in contempt of court for violating an order requiring it to expel undocumented immigrants at the U.S.-Mexico border. The supposed offense? Letting Haitian immigrants enter the country legally.

The effort shows the states are not interested in solving illegal immigration, but rather, keeping immigrants out of the country entirely. Indeed, by trying to stop the legal flow of immigrants, they are explicitly requesting that the Biden administration intentionally sabotage the border in a way that would increase illegal immigration.

These Republican-led states want immigration illegal, even if it means more chaos.

Haitians have entered the country legally at U.S.-Mexico land ports of entry at least since the 2010 earthquake. The Obama administration decided not to deport Haitians back to the devastation, so when they requested asylum at ports of entry, they were simply granted a discretionary form of temporary legal status known as parole. They could enter and request to work legally.

The result was that about 99.9 percent of all Haitians coming to the U.S.-Mexico border entered the country legally. But the Trump administration's decision to stop processing asylum seekers at ports of entry, and then to close the ports almost entirely to "non-essential" travelers during the pandemic, flipped the flow to 99.9 percent illegal.

It created a massive illegal immigration problem from nothing, and at first, President Biden fully maintained the restrictions.

The apex of this migration crisis occurred in September 2021, when a large group of Haitians crossed illegally—right next to a legal port of entry (which was closed to them). The government trapped them in the squalid camp, refusing to let them leave. Border Patrol agents on horses then began chasing the Haitians when they returned from Mexico with food for their families.

Besides Trump's failed family separation experiment, the Haitian encampment was possibly the most chaotic and inhumane moment recorded at the border in decades. In response, the administration tried to expel as many Haitians as it could to Haiti—and while thousands were expelled, the problem persisted.

This failure led the Biden administration to quietly change course this summer, and it began to admit Haitians into the United States legally again.

Once more, the flow went from more than 99 percent illegal to more than 99 percent legal. Problem solved. Border secured.

Yet this is exactly what is upsetting these Republican border states: they know the Biden administration solved a major part of the border crisis, but they don't want these immigrants to be in the country at all—legally or otherwise—even if that means more chaos at the border.

The GOP-led states are feigning surprise at all this—claiming that the administration never reported the change to them—but this is just false. In its first report to the court, the Biden administration described how it was rebuilding the process for admitting immigrants legally at ports of entry, and in its most recent report to the court, it said that it had “begun to gradually increase the number” of legal admissions.

What is happening here is not normal legal wrangling. Instead, the states are trying to impair orderly border management just days from the election. They understand that no one of any political persuasion wants to see the chaos that unfolded at the border in September of last year, but that is exactly what they will unleash if the court sides with them.

It should be noted that some other immigrants are also being admitted legally (though not many) besides the Haitians (although for some reason the states only specifically mention the Haitians). There are a few ad hoc exceptions being made for Central American families, and nearly all Ukrainians are still being admitted legally at ports of entry.

But the states don't seem too concerned about Ukrainians entering. They haven't intervened in that process. Instead, they are hoping Biden gets blamed for what they believe will be bad political optics if he again bans black Haitian immigrants from entering legally, and then they still cross illegally.

They could be right. But the truth is clear: these Republican states want a failed, insecure border.

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