



## Joe Biden, Border Cop

BILLY BINION

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People on both the left and right assumed Biden would lift Trump's draconian immigration restrictions. But for some hopeful immigrants, things have actually gotten worse.

"We are not a country that detains migrant children indefinitely or denies them access to soap, toothbrushes, or beds," future president Joe Biden tweeted in September 2019. "We are a country that welcomes those in search of a better life—the tired, the poor, the huddled masses yearning to breathe free. Trump doesn't get that."

Biden doesn't seem to get it either. "Hundreds of immigrant children and teenagers have been detained at a Border Patrol tent facility in packed conditions, with some sleeping on the floor because there aren't enough mats, according to nonprofit lawyers who conduct oversight of immigrant detention centers," the Associated Press reported on March 12. "Some have to wait five days or more to shower, and there isn't always soap available, just shampoo, according to the lawyers."

Biden did nix former President Donald Trump's "zero tolerance" policy at the U.S.-Mexico border, which required that parents who crossed the border illegally be separated from their children. It was a hideous idea that generated considerable bipartisan backlash—so much so that Trump himself backed away from it in the summer of 2018.

But Biden's move was mostly symbolic, since "zero tolerance" had already been unofficially rescinded. Still, it generated significant PR buzz from media outlets, some of which neglected to include that the Biden administration is still separating families at the border. Border agents can now use discretion in deciding which parents get to stay with their children, but that doesn't mean family separations themselves have ended.

Meanwhile, the bedlam at the border is almost entirely self-made. Government policies meant to curb immigration inadvertently create much of the chaos decried in congressional floor speeches and on cable news.

Family separations are a good example. Many families ripped apart under Trump, and likely under Biden, crossed the border trying to claim asylum—something immigrants have a legal right to do. Yet U.S. immigration protocol essentially provides no avenue for them to do so the "right" way, so they cross the border and look for an agent with whom to file a claim. If the government chooses to prosecute that illicit crossing, they cannot stay with their children. That was true under Barack Obama and Donald Trump, and it is still true under Joe Biden.

One of Biden's core campaign promises was that he would terminate Trump's "Remain in Mexico" policy, the framework that forced would-be asylum seekers to await their court dates outside of the U.S. Well, here's his new policy: Instead of allowing families to claim asylum and tossing them out of the country in the meantime, he is tossing them out of the country without a court date in hand. Progress?

That's not the only way the government creates the border chaos it is now trying to solve, says David Bier, an immigration policy analyst at the Cato Institute's Center for Global Liberty and Prosperity.

Take the aforementioned A.P. report—the one that exposes the very conditions Biden denounced before taking the Oval Office. Those facilities are teeming with unaccompanied children not in spite of the law, but because of it.

"If you cross the border with your parents and you're an older child, what ends up happening is that you're immediately expelled back into Mexico," Bier says. "As a consequence of that, we've seen a number of teenagers crossing the border [alone], because if they cross as a family unit then they will be expelled. It's really exacerbated the issues."

Similarly, George W. Bush's administration imposed a rule requiring children to be separated from their family if they arrive at the border with anyone other than their parents. "A grandmother, an uncle, adult sibling: In any of those circumstances, the family will be separated...and the adult family member is then expelled back to Mexico," says Bier. "So now they're no longer in the country at all"—a rule that he says is creating "between a quarter and a half" of the unaccompanied children, who were not actually unaccompanied.

The Associated Press notes that it "interviewed the mother of one 4-year-old girl from Guatemala who crossed the border March 5 with her aunt. Border authorities expelled the aunt and labeled the girl unaccompanied by a parent." The child's parents live in Maryland, according to the A.P., and the child is now alone in a border facility.

Commentators on both ends of the political spectrum—some pro-Biden, some opposed—have been starting from the same fundamentally flawed premise: that the president is doing all he can to liberalize immigration. "Biden Has Few Good Options for the Unaccompanied Children at the Border," reads a headline in *The New Yorker*. "No country could survive Biden's border policies," asserts Fox News' Tucker Carlson.

Neither claim makes much sense. "We've never had a situation where it's been this closed to asylum seekers than what we see right now," says Bier.

"Even under Trump?" I ask.

"Except for a few months under Trump," he responds, "this is one of the strictest border policies we've ever seen."