



The Messaging Battle Over the Border

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Republicans call the current moment a 'crisis,' while the Biden administration has rebuffed that term. It's a political fight – but one that exposes distinctly different views on immigration policy.

MIGRATION TO THE BORDER is climbing. Arrivals of unaccompanied minors are skyrocketing and are on pace to hit record levels. Border facilities – which are not designed for children – are grossly overcrowded and the Biden administration is scrambling to open more shelters and transfer migrant kids out of detention conditions that even President Joe Biden has agreed are "completely unacceptable."

It is by any measure a pressing situation. But it is a "crisis"? It depends on who you ask.

Republicans have in the last several weeks pushed to brand the situation a crisis, or, more specifically, the "Biden border crisis" – a conveniently alliterative phrase practically designed for a Twitter hashtag.

"There's no other way to claim it than a Biden border crisis," House Minority Leader Kevin McCarthy said during a press conference at the border last month.

But the Biden administration had conspicuously avoided that single word, instead describing the current moment as a "challenge" or "situation" – an "especially difficult" one, but not a "crisis." A 2,200-word statement from Homeland Security Secretary Alejandro Mayorkas last month explaining the causes and consequences of events at the border only once used the word – in a reference to the coronavirus pandemic.

The administration's efforts to avoid and rebuff the label have been so pointed that even a single, seemingly accidental use of the word "crisis" by White House press secretary Jen Psaki last month drew the attention of reporters.

Immigration Cartoons

Meanwhile, third parties are caught in the middle, wary of even inadvertently wading into the political muck by uttering that single word. Top U.S. military officers for securing North and South America spoke about the border during a Senate briefing last month avoided the term in connection with Biden's policies and have even bluntly refused to weigh in on the rhetorical fight:

"I'm not going to go into the politics of whether we name it a crisis or not," Air Force Gen. Glen VanHerck, chief of U.S. Northern Command, told reporters.

The messaging battle – played out in borderland press conferences and in hearings and on social media – is largely political. But it's serving to paper over an incredibly complex situation, obscuring the contours of the moment and flattening the issues in the broader public discourse.

The surface-level politics are simple. The situation is politically convenient for Republicans, who are not in power in either chamber of Congress or the White House and are already focusing on revving their base for the 2022 midterm elections.

Biden's general approval levels are steady and the recent coronavirus relief package – a measure no Republicans voted for – included individual stimulus checks and is overwhelmingly popular with the public. Former President Donald Trump, who enacted aggressively restrictive immigration policies, positioned immigration at the center of the party's platform and Republicans are betting – as they have before – that a surge in migration will turn out votes.

"It is a popular issue on which to get the president in power," says Andrew Selee, president of the nonprofit Migration Policy Institute. "So I think a lot of this is political posturing."

In refusing to acknowledge the situation as a "crisis," Biden officials are not only depriving Republicans of soundbytes for 2022 campaign ads but deflecting the idea that the policies of their fledgling administration are not working – and attempting to alleviate the growing political pressure and sinking public opinion over Biden's handling of immigration and border policy specifically.

"Republicans want to say it's a crisis because if you say it's a crisis that means a Democratic administration has a crisis on its hands and what it's doing. They can bludgeon the administration," says Theresa Cardinal Brown, managing director of immigration and cross-border policy at the nonprofit Bipartisan Policy Center. "The administration uses that terminology and says, 'We can't handle it,' and that also has political implications. So that is a completely political messaging battle. It is about Republicans wanting to tar the Biden administration and the Biden administration not wanting to play into that."

If the Biden administration used "crisis" to describe the situation "it would be seen as a recognition that their policies have failed," says David Bier, a research fellow with a focus on immigration at the libertarian Cato Institute's Center for Global Liberty and Prosperity.

"I think both because it's dealing with so many kids and also because of the fact that it does require extreme, prompt action, it's totally reasonable to describe it as a crisis," Bier says, though his view of the situation does not exactly match up with Republicans'. The current crisis lies largely in the fact that so many children are "being put in dangerous situations" – something the U.S. government contributes to in myriad ways, including by detaining the minors, he says.

The messaging debate, however, goes deeper than the obvious political and electoral angles. Not only does the Biden administration rebuff Republicans' efforts to label the situation a "crisis," but Democrats and Republicans can't even agree on what the crux of the problem is – no matter what it's called.

In that way, the rhetorical fight also provides a lens into the fundamentally different ways in which the right and the left view both immigration and immigration policy – a divergence at the heart of decades-long stalemate on immigration reform and a recurring lack of effective and lasting policy change in the face of migration increases.

Republican leaders have expressed grave reservations with the conditions in which migrant minors are being held in border facilities. But they often appear most concerned with the surge in migration and the number of migrants crossing the border and entering the U.S.

Border apprehensions reportedly hit a 15-year high last month, though a sizable portion of those apprehensions were single adults who have attempted to cross the border multiple times. The number of families and unaccompanied children also sharply increased, and without other tenable options, the Biden administration has released thousands of families into the interior of the U.S.

Those numbers have been at the heart of Republicans' attacks on Biden.

"They're saying people coming to the United States trying to reunite with their families or find work or, you know, seek safety here is a crisis," says Bier.

Security-minded Republicans point specifically to Biden's reversal of some of Trump's most controversial and restrictive border policies. Biden ended a Trump-era program known as the "Remain in Mexico" program, which required asylum-seekers to wait in Mexico, often in squalid and dangerous conditions, for court dates in the U.S. Biden also halted construction of Trump's border wall and terminated agreements with Central American governments that allowed the U.S. to send asylum-seekers from the border to other countries in Central America.

"It is the deliberate political decisions Joe Biden has made that has caused this crisis. This was preventable," Sen. Ted Cruz, Texas Republican, said in a radio interview after a trip to the border last week. Cruz has been one of the loudest critics of Biden's border policies.

Experts agree that a number of factors are contributing to the immigration surge, including policy actions, natural disasters and political events in Central America, seasonal fluctuations, and long-standing "push" factors including poverty and violence. Seeking asylum is a legal process and migration spikes tend to occur every few years.

Biden in a press conference last week defended his decisions. He has repeatedly – both during the campaign and during his presidency – pledged to restore humanity to the immigration system.

"I make no apologies for ending programs that did not exist before Trump became president and have an incredibly negative impact on the law, international law as well as on human dignity," Biden said.

Democrats are far less monolithic on immigration as an issue than Republicans. The Biden administration has also raised alarms about the sheer number of migrants arriving at the border – which isn't helping its case, Bier says.

"As long as the focus is on the numbers, I think that that lends itself to the retort that you're not doing enough to keep the numbers down – if that's the measure of successful border policy," Bier says.

But the administration has publicly expressed more worry about the humanitarian issues at play – the plight of migrants traveling to the border and the government's inability to properly house and care for minors.

Immigration advocates, a number of experts and even some Democrats say they are less concerned with the quantity of migration and are focused on the treatment of migrants – some have indeed deemed the situation a "crisis," for that reason. They have roundly criticised the Biden administration for its treatment of migrants.

"For Republicans the crisis is, 'Oh my goodness, many immigrants coming to the border. We need to stop that.' For Democrats – for the Biden administration – the crisis is: People are coming to our border and we don't have a humane way to manage that and treat them fairly and have their cases herded adjudicated and then decided. And the crisis comes in trying to expel them back to terrible conditions," Brown says.

Advocates, experts and some on the left have made the point that Republicans did not consider Trump-era enforcement programs like the Remain in Mexico policy – which kept migrants in dangerous and substandard conditions – to be crises while an increase in migration in their eyes rises to the level.

The difference in perspective and priorities was on display during a House committee hearing in mid-March when Mayorkas was pressed repeatedly by Republicans on deeming the situation at the border a crisis.

"Sometimes, the tools of deterrence defy values and principles for which we all stand. And one of those tools of deterrence that the Trump administration employed was deplorable and absolutely unacceptable. And if we want to speak of language, then let me speak of language. I will share with you how I define the crisis," Mayorkas said.

"A crisis is when a nation is willing to rip a 9-year-old child out of the hands of his or her parent and separate that family to deter future migration. That, to me, is a humanitarian crisis. And what the president has committed to, and what I am committed to and execute, is to ensure that we have an immigration system that works and that migration to our country is safe, orderly, and humane," he said, referring to the Trump administration's zero tolerance policy that effectively separated thousands of migrant children from their parents in a bid to deter migration.

Border agents in March 2020 began expelling migrants immediately at the border under a Title 42 public health order issued by the Centers for Disease Control and Prevention at the request of the Trump administration, turning them back to Mexico without arresting and processing them as normal – in most cases denying migrants the ability to claim asylum. A federal judge in November ruled that the government could not continue to expel unaccompanied children, but a three-judge panel in January said the practice could continue for the time being.

Biden, to advocates' dismay, has kept the expulsion policy in place for single migrant adults and, in theory, for families, but he announced early in his presidency that he would stop turning back migrant minors who cross the border alone.

"The idea that I'm going to say – which I would never do – that if an accompanied child ends up at the border we're just going to let him starve to death and stay on the other side – no previous administration did that either, except Trump. I'm not going to do it," Biden said last month during a press conference, defending his decision to stop the expulsion of unaccompanied minors at the border.

The use of the public-health order to immediately expel migrants at the border is unprecedented and is a deviation from normal immigration law. The U.S. is required by law to accept and process unaccompanied children that request refuge at the border.

Unaccompanied migrant children are by law not supposed to be held in border detention facilities for more than three days before being transferred to shelters run through the Department of Health and Human Services' Office of Refugee Resettlement. Border facilities are currently over capacity several times over, and migrant children are in some cases being held there for up to 10 days. The Biden administration has in response opened a number of temporary facilities to house migrant minors, but children are still being held in cramped and crowded conditions for far longer than the law allows.

"There is that sort of sense of in the administration, you hear of, you know, 'We're really trying to weigh enforcement priorities against humanitarian interests, and there's nothing here we can't handle that's going to alter American society,' Selee says.

"Whereas I think you're hearing from Republicans a greater sense that this is undermining the integrity of American law – American law and American sovereignty – and needs to be to be dealt with, because it will have long term negative effects on the country. And those are two very different visions," Selee says.

Meanwhile, Biden has proposed a sweeping immigration reform package, and Democrats are attempting to push two narrower yet still significant immigration measures through Congress. But the situation at the border has squandered any sliver of political sway Democrats may have had on the issue with many moderate Republicans.

The messaging debate has had negligible apparent effect so far on policy. The Biden administration has shown no indication that it plans to deviate from its current course of action – officials have pleaded patience, noting that it will take time to rebuild systems depleted under the Trump administration.

Biden likely won't reinstate the Trump-era policies he's reversed, and even though Republicans are clamoring for more enforcement, there's not much more Biden could do. The Title 42 order has closed the border in a way that even the strictest normal immigration law does not.

Experts have a variety of policy suggestions for administration. Common ones include the establishment of a quicker, more efficient asylum processing system at the border, the opening of ports of entry – which are currently closed – to unaccompanied minors and other migrants seeking refuge, and the reopening of U.S. consulates.

For some experts and advocates, it simply doesn't matter what you call the current situation.

"Frankly I don't care what it's called, I care what is done," Brown says.