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Kevin McCarthy's threat to hold up Ukraine aid is worse than it seems

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House Speaker Kevin McCarthy. (Tom Brenner for The Washington Post)

House Speaker Kevin McCarthy couldn't allow sanity to prevail in Congress for *too* long, so just after the House voted late Saturday to temporarily keep the government open, he leveled a new threat. The California Republican now says that if Democrats want a new package of aid to Ukraine — which was not included in that government funding bill — they must help pass the GOP “border security” agenda.

But McCarthy's proposal is about much more than “border security.” If passed, the GOP agenda would dramatically roll back certain types of legal migration to this country and otherwise transform our immigration system in numerous radical, cruel and reckless ways.

That agenda is the Secure the Border Act, which the House passed in May. McCarthy told CBS News on Sunday that the measure should be included in any package that extends aid to Ukraine, noting: “I support being able to make sure Ukraine has the weapons that they need, but I firmly support the border first.” He suggested the Senate should accept the GOP bill.

It's an absurd demand. As it is, McCarthy and Senate GOP leaders want aid to Ukraine to continue for all kinds of good, substantive reasons, so the speaker is brazenly demanding immense concessions in exchange for something he already supports.

And the GOP immigration bill is wildly extreme. It wouldn't just revive President Donald Trump's policy of forcing asylum seekers to wait in Mexico, which produced a humanitarian catastrophe. As legal experts point out, it would also eliminate asylum for those who enter the United States between ports of entry, hike the bar on qualifying for protection, and sharply restrict the right to apply for migrants who cross another country en route to the United States, with almost no exceptions.

"Taken all together, the bill effectively eliminates asylum at our borders," Kerri Talbot, executive director of the Immigration Hub, told me. "That's been enshrined in law for over 40 years."

The GOP bill would also dramatically expand the mass detention of families, even though holding minors has been found to inflict serious damage on them. The measure would gut legal protections for unaccompanied migrant kids as well. And it would sharply restrict the president's authority to parole migrants into the United States on humanitarian grounds.

That latter provision could end President Biden's Uniting for Ukraine parole program, which permits refugees to come to the United States for two-year stays, notes Aaron Reichlin-Melnick, policy director at the American Immigration Council. According to an administration official, that program as of now has admitted more than 156,000 Ukrainians. "It's the only clear path that Ukrainians fleeing the war have to come to the U.S.," Reichlin-Melnick says.

Using Ukraine aid as leverage to extract policy concessions that could functionally end a program for Ukrainian refugees seems particularly ghoulish. What's more, such a restriction on the president's parole authority could also end Biden's programs admitting some 30,000 migrants per month from Cuba, Venezuela, Haiti and Nicaragua into the United States, Reichlin-Melnick notes.

Ending those programs would have nothing whatsoever to do with "border security." Because they allow people to apply for entry from afar, they have had some success reducing migration directly to the U.S.-Mexico border from those four countries, a study by Cato Institute's David Bier found, meaning they might have reduced pressure on the border.

The White House strongly opposes the GOP bill and has rejected demands for some sort of exchange. But some moderate Democrats, worried about complaints from Democratic officials about migrants arriving in their cities, might feel tempted to entertain giving Republicans concessions on the border.

One can envision a bipartisan compromise to reform our broken and overwhelmed asylum system. It would look like the ill-fated bill that Sens. Kyrsten Sinema (I-Ariz.) and Thom Tillis (R-N.C.) negotiated late last year, combining massive investments in processing asylum applicants (which Democrats want) with faster removal of migrants who don't qualify (which Republicans want).

It might also combine expanded pathways for migrants to apply from abroad (which Biden is doing executively but could be enshrined in law) with some new restrictions on who can seek asylum after arriving at the border, carefully drawn to avoid terrible humanitarian outcomes. That's a balance some Republicans and right-leaning pundits should support, as it could shift incentives toward orderly legal migration and away from the chaotic flows they claim to be primarily concerned about.

But aid to Ukraine should not serve as the fulcrum of that debate. As Brian Beutler writes on his Sub stack, Democrats have grown overly accustomed to negotiating under threat from Republicans as the normal conditions under which governing must function. Even if McCarthy is ousted as speaker, his replacement is likely to adopt this same demand, perhaps even more aggressively.

Democrats should stop acceding to this cycle. The fate of our immigration system shouldn't be hashed out under yet another round of quasi-extortionate duress.