

Biden Administration Reminds Public: 'Our Borders Are Not Open' as Title 42 Expiration Nears



The Trump-era deportation policy known as Title 42 is scheduled to expire on Thursday night, prompting the Biden administration to address the challenges that lie ahead. In a press conference held at the White House, US Secretary of Homeland Security Alejandro Mayorkas assured the public that the administration is well-prepared to face these challenges in a safe, orderly, and humane manner.

At 11:59 PM EST on Thursday, Title 42, initially enacted as a public health measure in response to the COVID-19 pandemic during the Trump administration, will expire. Subsequently, US immigration officials will revert to Title 8 enforcement mechanisms under the US Code. Title 8 grants US border officials the authority to remove individuals who cross into the US illegally without a legal basis to remain. Those processed and removed under Title 8 could face a minimum five-year ban from reentry and potential criminal prosecution if they attempt to return to the US illegally.

In conjunction with Title 8, the Department of Homeland Security (DHS) finalized a new rule on Wednesday, which presumes that individuals who do not use legal pathways to enter the US are ineligible for asylum. However, there are exceptions to this rule. The new rule does not apply to individuals who obtained appropriate authorization in advance, presented at a port of entry under the new parole system, encountered technical issues preventing access to the new parole system, or was denied asylum by at least one other country. Additionally, individuals may be exempt from the rule if they can demonstrate "exceptionally compelling circumstances" regarding their arrival in the US. Unaccompanied children are also exempt from the new rule. Failing to meet any of these exceptions will lead US immigration officials to initiate removal proceedings, resulting in the individual's expulsion from the US within 30 days.

Secretary Mayorkas emphasized that "our borders are not open" and conveyed the administration's commitment to delivering stricter consequences to those who do not utilize lawful pathways for entry. To facilitate the transition in border policy, the Biden administration is deploying thousands of federal officers and agents to the border, establishing 100 additional regional processing centers for immigration cases, and allocating over \$360 million in funding to state and local communities. However, the administration remains concerned that these measures may not address the ongoing crisis at the southern border. Mayorkas urged Congress to pass comprehensive immigration legislation, which has faced repeated delays in recent years.

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Secretary Mayorkas underscored the administration's objective of ensuring a safe, orderly, and humane process for managing the expiration of Title 42. Recognizing that the United States is both a nation of immigrants and a nation of laws, Mayorkas reiterated the importance of striking a balance between enforcing immigration laws and upholding the values of compassion and fairness.

As the expiration of Title 42 approaches, the Biden administration is prepared to implement new border policies and enforcement mechanisms under Title 8. With a focus on maintaining border security, the administration aims to deliver consequences to individuals who do not utilize lawful pathways for entry. The DHS has established a new rule that outlines exceptions to the presumption of asylum in cases of illegal entry. While efforts are being made to address the crisis at the southern border, the administration continues to urge Congress to pass comprehensive immigration legislation. By ensuring a safe, orderly, and humane process, the administration aims to uphold the nation's immigrant heritage while maintaining the integrity of immigration laws.