

FACT SHEET: President Biden Announces New Actions to Secure the Border

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New actions will bar migrants who cross our Southern border unlawfully from receiving asylum

Biden taking action as Congressional Republicans put partisan politics ahead of national security, twice voting against toughest reforms in decades

Since his first day in office, President Biden has called on Congress to secure our border and address our broken immigration system. Over the past three years, while Congress has failed to act, the President has acted to secure our border. His Administration has deployed the most agents and officers ever to address the situation at the Southern border, seized record levels of illicit fentanyl at our ports of entry, and brought together world leaders on a framework to deal with changing migration patterns that are impacting the entire Western Hemisphere.

Earlier this year, the President and his team reached a historic bipartisan agreement with Senate Democrats and Republicans to deliver the most consequential reforms of America's immigration laws in decades. This agreement would have added critical border and immigration personnel, invested in technology to catch illegal fentanyl, delivered sweeping reforms to the asylum system, and provided emergency authority for the President to shut down the border when the system is overwhelmed. But Republicans in Congress chose to put partisan politics ahead of our national security, twice voting against the toughest and fairest set of reforms in decades.

President Biden believes we must secure our border. That is why today, he announced executive actions to bar migrants who cross our Southern border unlawfully from receiving asylum. These actions will be in effect when high levels of encounters at the Southern Border exceed our ability to deliver timely consequences, as is the case today. They will make it easier for immigration officers to remove those without a lawful basis to remain and reduce the burden on our Border Patrol agents.

But we must be clear: this cannot achieve the same results as Congressional action, and it does not provide the critical personnel and funding needed to further secure our Southern border. Congress still must act.

The Biden-Harris Administration's executive actions will:

Bar Migrants Who Cross the Southern Border Unlawfully From Receiving Asylum

- President Biden issued a proclamation under Immigration and Nationality Act sections 212(f) and 215(a) suspending entry of noncitizens who cross the Southern border into the United States unlawfully. This proclamation is accompanied by an interim final rule from the Departments of Justice and Homeland Security that restricts asylum for those noncitizens.
- These actions will be in effect when the Southern border is overwhelmed, and they will make it easier for immigration officers to quickly remove individuals who do not have a legal basis to remain in the United States.
- These actions are not permanent. They will be discontinued when the number of migrants who cross the border between ports of entry is low enough for America's system to safely and effectively manage border operations. These actions also include similar humanitarian exceptions to those included in the bipartisan border agreement announced in the Senate, including those for unaccompanied children and victims of trafficking.

Recent Actions to secure our border and address our broken immigration system:

Strengthening the Asylum Screening Process

- The Department of Homeland Security published a proposed rule to ensure that migrants who pose a public safety or national security risk are removed as quickly in the process as possible rather than remaining in prolonged, costly detention prior to removal. This proposed rule will enhance security and deliver more timely consequences for those who do not have a legal basis to remain in the United States.

Announced new actions to more quickly resolve immigration cases

- The Department of Justice and Department of Homeland Security launched a Recent Arrivals docket to more quickly resolve a portion of immigration cases for migrants who attempt to cross between ports of entry at the Southern border in violation of our immigration laws.
- Through this process, the Department of Justice will be able to hear these cases more quickly and the Department of Homeland Security will be able to more quickly remove individuals who do not have a legal basis to remain in the United States and grant protection to those with valid claims.
- The bipartisan border agreement would have created and supported an even more efficient framework for issuing final decisions to all asylum seekers. This new process to reform our overwhelmed immigration system can only be created and funded by Congress.

Revoked visas of CEOs and government officials who profit from migrants coming to the U.S. unlawfully

- The Department of State imposed visa restrictions on executives of several Colombian transportation companies who profit from smuggling migrants by sea. This action cracks down on companies that help facilitate unlawful entry into the United States, and sends a clear message that no one should profit from the exploitation of vulnerable migrants.

- The State Department also imposed visa restrictions on over 250 members of the Nicaraguan government, non-governmental actors, and their immediate family members for their roles in supporting the Ortega-Murillo regime, which is selling transit visas to migrants from within and beyond the Western Hemisphere who ultimately make their way to the Southern border.
- Previously, the State Department revoked visas of executives of charter airlines for similar actions.

Expanded Efforts to Dismantle Human Smuggling and Support Immigration Prosecutions

- The Departments of State and Justice launched an “Anti-Smuggling Rewards” initiative designed to dismantle the leadership of human smuggling organizations that bring migrants through Central America and across the Southern U.S. border. The initiative will offer financial rewards for information leading to the identification, location, arrest, or conviction of those most responsible for significant human smuggling activities in the region.
- The Department of Justice will seek new and increased penalties against human smugglers to properly account for the severity of their criminal conduct and the human misery that it causes.
- The Department of Justice is also partnering with the Department of Homeland Security to direct additional prosecutors and support staff to increase immigration-related prosecutions in crucial border U.S. Attorney’s Offices. Efforts include deploying additional DHS Special Assistant United States Attorneys to different U.S. Attorneys’ offices, assigning support staff to critical U.S. Attorneys’ offices, including DOJ Attorneys to serve details in U.S. Attorneys’ Offices in several border districts, and partnering with federal agencies to identify additional resources to target these crimes.

Enhancing Immigration Enforcement

- The Department of Homeland Security has surged agents to the Southern border and is referring a record number of people into expedited removal.

- The Department of Homeland Security is operating more repatriation flights per week than ever before. Over the past year, DHS has removed or returned more than 750,000 people, more than in every fiscal year since 2010.
- Working closely with partners throughout the region, the Biden-Harris Administration is identifying and collaborating on enforcement efforts designed to stop irregular migration before migrants reach our Southern border, expand investment and integration opportunities in the region to support those who may otherwise seek to migrate, and increase lawful pathways for migrants as an alternative to irregular migration.

Seizing Fentanyl at our Border

- Border officials have seized more fentanyl at ports of entry in the last two years than the past five years combined, and the President has added 40 drug detection machines across points of entry to disrupt the fentanyl smuggling into the Homeland. The bipartisan border agreement would fund the installation of 100 additional cutting-edge inspection machines to help detect fentanyl at our Southern border ports of entry.
- In close partnership with the Government of Mexico, the Department of Justice has extradited Nestor Isidro Perez Salaz, known as “El Nini,” from Mexico to the United States to face prosecution for his role in illicit fentanyl trafficking and human rights abuses. This is one of many examples of joint efforts with Mexico to tackle the fentanyl and synthetic drug epidemic that is killing so many people in our countries and globally, and to hold the drug trafficking organizations to account.