

## How the border could cost Biden the election

To keep Trump out of power, the Democrats need to make an offer on immigration policy



*January 25, 2024*

Donald Trump's mother came from Tong (population 500), a remote Scottish settlement that was once in Viking territory. His grandfather came from Kallstadt (population 1,200), a village in Rhineland-Palatinate that produced the Heinz family. Joe Biden's ancestors came from Ireland and England. In America everyone is from somewhere else—even Native Americans, though they have been there much longer than anyone. Such is the country's appeal that 160m adults around the world say they would move there, too, if only they had the chance. That is many millions more than most Americans are willing to allow in.

This mismatch is at the heart of the issue that could cost President Biden the election. In 2016 Mr Trump rode "border chaos" all the way to the Republican nomination and then on to the presidency. At the time, he campaigned as if record numbers of migrants were coming across the border illegally. That was not true then, but it is now.

There were nearly 250,000 attempts to cross the southern border in November alone. Most of the newcomers will have sought asylum and been released into America to wait years for their claims

to be adjudicated. Since Mr Biden became president, over 3.1m border-crossers have been admitted. That is more than the population of Chicago. At least a further 1.7m have come in undetected or overstayed their visas. Republican governors have paid for migrants to go to places run by Democrats, forcing the problems of the southern border northward. Their experience helps explain why voters trust Republicans to deal with border security by a margin of 30 points. It is the party's biggest lead on any issue.

This is not all Mr Biden's fault. When America's labour market is tight the incentive for people to head there illegally increases. That is why the numbers went up under Mr Trump too, until covid-19 came along and fixed the problem for him. When travel became possible again in 2021, pent-up demand resulted in a surge of people across the southern border. More than half of border-crossers are from countries beyond Mexico and the northern bit of Central America. Venezuelans make up the biggest part of this group. But tens of thousands now fly into the Americas from Russia (43,000 in the year to September 2023), India (42,000) and China (24,000) and then attempt a crossing. Often it is impossible to return them. China will not take back its nationals if their applications are rejected.

However, some of the blame lies squarely at Mr Biden's door. Mr Trump's language about Mexico sending rapists across the border and his cruel separation of children from their parents as a deterrent, along with his plan to build the wall, radicalised some Democratic policymakers on immigration. They thought public opinion was on their side. Voters did indeed revolt against Trumpism and while he was in office support for immigration reached a new high. When the new Democratic administration took power its instinct was to do the opposite of whatever Mr Trump had. Work on the border wall stopped. Democrats ditched the remain-in-Mexico policy, which obliged asylum-seekers to stay south of the border until the authorities decided on their applications. Predictably, illegal immigration surged.

Since the midterms in 2022, Mr Biden has quietly adopted some of Mr Trump's policies. He has agreed to fill gaps in the wall. Asylum-seekers who try to cross undetected will, with a few exceptions, automatically have their applications rejected. They must apply online before showing up. Yet Americans are unaware of these efforts, partly because Mr Biden is loth to draw attention to his triangulation, lest his own side turns on him.

The president's room to do one thing while saying another is running out. The House of Representatives has paired a stringent immigration bill with funding for Ukraine's war. The administration resents this, because support for Ukraine makes economic and strategic sense for America regardless of the country's policy on immigration. That is an error. Instead, in a system in which both parties use the leverage available to them, Mr Biden should see this as an opportunity. Some of the Republican demands on immigration are sensible. Most migrants without visas who cross at the southern border do not crawl through the desert. They find a Border Patrol agent and present an asylum claim. They must then pass what is called a "credible fear" interview. Republicans want to raise the threshold for what counts as credible fear. That is a reasonable aim. Under Mr Biden's rules, a fear of gang violence counts as a ground for being let in. Contrast that with Spain, which rejects this test even though it has a socialist prime minister.

Once that first test is passed, immigrants are typically released awaiting a court date years in the future, because immigration courts are overstuffed with cases. The average wait for a hearing is over four years. Appeals can add to the delay. Democrats would like money to hire more officers to process claims and more judges to speed through the backlog of cases. That is reasonable, too.

There ought to be a deal here. Yet each party mistrusts the other's motives. Republicans say they will not give more money to an administration they cannot trust to enforce immigration laws. Instead they are trying to impeach the secretary of homeland security. Democrats look at Republican demands, such as that families coming into the country can be detained indefinitely, and conclude that negotiations are being set up to fail and are therefore really a weapon against Mr Biden. The odds are that both parties will choose campaigning over dealmaking.

### **Don't forget the multitudes**

That should worry Mr Biden. Our reporting from the Mexican side of the border suggests that, if people believe Mr Trump will win, many more will try to cross into America before he is inaugurated. Insecure borders weaken support for legal immigration and boost restrictionist parties. Immigration could bring Mr Trump back to the White House, from where he might pull America out of the refugee convention of 1951, causing it to collapse. Mr Biden should call the Republicans' bluff, roll up his sleeves and set out to fix the border. That would be the right thing to do. It would also help his prospects. ■

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