



**Joint Analysis of the Continuing Appropriations and Border Security Enhancement Act,
2024
September 2023**

The United States House of Representatives is considering the “[Continuing Appropriations and Border Security Enhancement Act](#),” a stopgap bill with extremely harmful policy provisions that would fund the government through the first month of Fiscal Year 2024. The bill includes the Secure the Border Act of 2023 (H.R. 2); a patchwork of extreme anti-immigrant proposals that would shut down the U.S. asylum system and target families and children for the cruelest forms of mistreatment. **Our groups urge Members to VOTE NO on this bill.**

The bill includes the Secure the Border Act of 2023 (without the entirety of the mandatory national E-Verify provision). The most harmful provisions of this section of the bill include:

- **Ending asylum:** A complete anti-asylum legislative overhaul contravening decades of U.S. and international law that would make asylum protections unavailable to many categories of vulnerable refugees, including survivors of domestic violence and gang-related violence. If this bill passes it will lead our nation to deport asylum seekers back to life-threatening dangers. This bill makes it easier to deport families and children fleeing violence and persecution;
- **Criminalizing visa overstays:** Creates a new federal crime for any person in the United States who has, even mistakenly, failed to comply with the requirements of a tourist, student, or other non-immigrant visa for more than 10 days, criminalizing countless members of our communities;
- **Rapid deportations without due process:** Shocking provisions granting new statutory authority to the executive branch to expel or return people seeking asylum at the border absent a policy of universal detention or third country return for all arriving asylum seekers;
- **Requiring incarceration and targeting of immigrant families:** Codification of family detention and the resurrection of the harmful Trump-era policy that used unaccompanied [children as bait](#) to conduct sweeping enforcement actions against their families. Family detention centers have a well-documented history of abuse, including failure to provide adequate medical and mental health care for asylum seekers, survivors of trauma, and children. Nearly 400 organizations jointly [opposed](#) the possible revival of family detention in March 2023;
- **Eviscerating protections for children:** Turning back the clock on [decades](#) of protection for abused, abandoned, and neglected children, mandating incarceration of unaccompanied children and removing all current detention protections, and making it

incredibly difficult for unaccompanied children within the United States to qualify for legal relief;

- **Forcing families to ‘Remain in Mexico’:** Reestablishing the failed [Remain in Mexico program](#), where asylum seekers, including unaccompanied children (who even the Trump administration exempted from this dangerous program), are forced to wait in extremely dangerous conditions in Mexico pending their immigration proceedings in the U.S.;
- **Resume border wall building and expanding CBP’s border wall authority:** Allows for U.S. Customs and Border Protection (CBP) to bypass laws, including environmental protections, to carry out wasteful and harmful border infrastructure-related design, construction, and operations. It would also restrict the ability of landowners, local communities, and tribes to assert legal challenges opposing construction. We have seen the consequences from the Trump-era: [bulldozed Native-American burial sites](#); dynamited pristine mountains; [butterfly sanctuaries being threatened by far-right extremists](#); and the [unjust seizing of private land](#).
- **Violating other laws:** Takes away funding from the Department of Homeland Security (DHS) to process migrants and asylum seekers arriving between ports of entry, forcing DHS to violate Section 208 of the Immigration and Nationality Act, which requires that people arriving at or between ports be granted access to asylum;
- **Blocking essential services:** Bars DHS from providing funds to humanitarian organizations, including faith-based NGOs, that provide any transportation, lodging or immigration legal services to individuals found to be inadmissible who enter the U.S. after the enactment of the bill. These partnerships with humanitarian organizations have been important “force multipliers” for the federal government in their efforts to ensure asylum seekers can pursue their legal claims. Congress should instead invest in non-profit organizations providing respite care, legal service providers, trauma-informed care and community-based service providers, not subject them to the punitive measures in this legislation. Congress should support NGOs across the country that receive DHS funding, including those that work with the Federal Emergency Management Agency (FEMA) during emergencies
- **Gut programs that work:** Strips previously-appropriated funding for the [Case Management Pilot Program \(CMPP\)](#) and the [Shelter and Services Program \(SSP\)](#). The bill cuts funds for services that are vital to humane processing at the border and alleviate pressure on DHS agencies. These programs are a more humane and cost-effective alternative to imprisoning arriving families and asylum-seekers, allowing families, asylum-seekers, and vulnerable populations to access support as they navigate our country’s complex immigration system. Importantly, these programs provide reception, legal orientation programs, human and sex trafficking screenings, and important social services.

The bill would eliminate funding for a number of programs, including:

- The use of the mobile application CBP One, or any successor application, to “facilitate parole” of migrants into the United States;

- The release of any migrant from custody, except for through the Migrant Protection Protocols (MPP or Remain in Mexico program) or deportation (meaning a person would not be released from Department of Homeland Security (DHS) custody even if they win immigration relief);
- “Transportation” of migrants for anything other than “enforcement purposes”;
- Work permits for anyone denied asylum or convicted of any crime while an application is pending (a provision that is essentially nonsensical in a practical sense because despite work permit processing is largely fee-funded);
- Taking down border wall;
- DHS’s two memos providing guidance for the exercise of prosecutorial discretion, including [ICE “Guidelines for the Enforcement of Civil Immigration Law” priorities memo](#) and the “Guidance to OPLA [Office of the Principal Legal Advisor] Attorneys Regarding the Enforcement of Civil Immigration Laws and the Exercise of Prosecutorial Discretion” [guidance memo](#);
- The CBP “Emergency Driving and Vehicular Pursuits” [policy](#);
- The [asylum ban](#) (the “Circumvention of Lawful Pathways Rule”);
- The asylum processing rule (which has been paused in operation for months)

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