

## **Biden Glosses Over Border In State Of The Union Address**

By **Britain Eakin**

*Law360 (February 7, 2023, 11:31 PM EST)* -- President Joe Biden didn't spend much time Tuesday evening talking about immigration or the border, focusing his State of the Union address more on touting his economic and job creation initiatives.

Biden addressed one of the major flashpoints of his presidency only briefly, urging lawmakers from both parties to unite to work on bipartisan immigration legislation, saying problems at the border "won't be fixed until Congress acts."

His few comments on the border were mostly directed to security, with the president citing "a record number of personnel" devoted to border security. Biden also touted more than 23,000 pounds of fentanyl seized on his watch in recent months, along with 8,000 human smugglers arrested.

And he noted that encounters with migrants from Cuba, Haiti, Nicaragua and Venezuela have plummeted 97% since he implemented a new border plan last month that expanded a parole program for Venezuelan, Haitian, Cuban and Nicaraguan migrants. Republican states, led by Texas, are currently challenging the expanded parole program in federal court.

In the absence of immigration legislation, the president urged Congress to focus its efforts on border security proposals.

"If we don't pass my comprehensive immigration reform, at least pass my plan to provide the equipment and officers to secure the border," he said.

Sen. Ted Cruz, R-Texas, shook his head in response to the president's suggestion, while a small but raucous group of Republicans in attendance shouted, "Secure the border!"

Biden also urged lawmakers to open a path to citizenship for so-called Dreamers, undocumented immigrants who were brought to the U.S. as children, as well as for those here on a temporary status, and farm and essential workers.

Those proposals were part of the U.S. Citizenship Act of 2021, an immigration proposal the president released on his first day in office that was later introduced in the House formally by Rep. Linda Sánchez, D-Calif. The bill would provide automatic green cards for Dreamers, immigrant farmworkers and those with temporary protected status who meet specific requirements.

It would also open a citizenship path for undocumented immigrants, who would be able to apply for temporary legal status for five years with the opportunity to apply for green cards afterward if they pass national security and criminal background checks and pay taxes.

Carl Risch, a former assistant secretary of state for consular affairs, told Law360 after the speech it wasn't surprising that Biden did not put immigration front and center, given what a difficult political problem the border is for the president and Democrats. The Biden administration has been faced with a record number of migrants showing up at the border, including 2.2 million migrant encounters in fiscal year 2022 alone.

Risch, currently a partner at Mayer Brown LLP, described the immigration position the president put forth during the address as being more reserved.

"I think it's important that there were no new policies proposed," Risch said in an interview. "It was really just a call for the same reforms, the same ideas that have been addressed in the past."

The one policy the president did tout, the expanded parole program that gives migrants from four countries a legal pathway to seek temporary parole with work authorization for two years, was couched in border security terms. But Risch said that program, along with the Biden administration's Uniting for Ukraine, which offers two years of parole to Ukrainians fleeing the Russian war, have been "very impactful" and will continue to be to open a new migration option for potentially millions of people.

The president did not address the Uniting for Ukraine program Tuesday night.

In a more somber moment during his address, Biden turned his attention to Doug Griffin, who lost his 20-year-old daughter Courtney from a fentanyl overdose eight years ago. The president noted that Courtney was among the 70,000 American who die every year from fentanyl.

Republicans could again be heard shouting, "Secure the border!"

"You got it," the president responded. "So let's launch a major surge to stop fentanyl production, and the sale and trafficking, with more drug detection machines to inspect cargo and stop pills and powder at the border."

--Editing by Michael Watanabe.