

MEMORANDUM

12 December 2023

To: Jeff Zients, Chief of Staff, White House
Anita Dunn, Senior Adviser to President Biden
Neera Tanden, Director of the United States Domestic Policy Council
Cc: Jaime Harrison, Chair of the Democratic National Committee
From: Kerri Talbot and Beatriz Lopez, Immigration Hub

REF: Extreme Concessions on Immigration Will Depress Support Among Battleground Voters

The majority of voters in America are pro-immigrant *and* pro-orderliness – not for separating families, deporting long-settled immigrants or ending our asylum system. Yet currently, Republicans in Congress are demanding extreme and alarming immigration policy proposals in exchange for Ukraine aid. Most of these proposals are part of what Republican candidate Donald Trump has promised to deliver if re-elected.

Conceding to these demands would have immense and detrimental consequences on critical battleground voters, including Latinos, Independents and the base. Not only would Democratic support of these policies depress the vote, but it would also lay out a path forward to separate families, deport Dreamers and long-settled immigrants, and cause irreparable, lasting damage to our immigration system. In response to Trump's recent remarks to expand his anti-immigrant agenda, the Biden-Harris campaign [pledged](#) it would go on offense and underscore the threat that Trump presents to American democracy, our immigration system and American communities, including Latinos and immigrants. **Accepting GOP demands is accepting a deficit in support for President Biden in 2024.**

These GOP demands are essentially what Trump is pledging to do if re-elected. The policies, if enacted, would reinstate Trump-era policies, and put millions of immigrants settled throughout the U.S. [at risk](#) of deportation:

- 1. A ban on majority Latino and Black migrants seeking asylum.** The provision in discussion - a unilateral so-called "Safe Third Country" transit ban - is as concerning as Trump's Muslim ban and has often been floated by Republicans and Stephen Miller as a measure to end asylum for Latino and Black migrants and others seeking safety and refuge.
- 2. Fast-track mass deportations without a hearing.** Candidate Trump has repeatedly [promised](#) that he would bring back President Eisenhower's nativist policy and round up and deport immigrants, regardless of how long they've resided and worked in the U.S. Republicans in Congress are demanding mass expansion of expedited removal in the interior. Expedited removal is currently limited to the border region. Trump tried to expand expedited removal into the interior of the U.S. and right-wing activists like Stephen Miller view this provision as central to their efforts to arrest and deport millions of people without due process. This authority will inevitably lead to racial profiling of those who "look or sound" like newly-arrived immigrants. It could also lead to the deportations of long-term residents without due process.
- 3. Ending humanitarian parole.** President Biden's parole pathways are the single most effective tool to reduce pressure on the border. Therefore, ending or severely restricting humanitarian parole would backfire, as those from high-demand nations would no longer be able to apply for legal immigration, spurring a massive increase in border arrivals. This is a GOP trap that would add to their arsenal of political stunts that have generated misinformation and national headlines of "disorder" at the border and in Democratic-led cities. It's critically important that the President retains the power to parole individuals who need protection into the U.S.

4. Mandatory incarceration of families seeking asylum, leading to Trump's Remain in Mexico.

Restricting ICE's ability to parole people out of ICE jails will lead to horrible consequences since only a small number of people will be able to pay a cash bond and the numbers of those detained would skyrocket. The administration would either need to construct more jail beds at a scale not seen since World War II era internment, and/or they will immediately resume Remain in Mexico which required the creation of dangerous tent cities in Mexico.

5. Title 42 on steroids. The National Expulsion and Visa Suspension Authority is Title 42 on steroids. It would allow the President to declare an indefinite emergency for nearly any reason in order to suspend our immigration system. This could bar all entry of foreign nationals into the United States, trigger mass expulsions, and also stop any/all visa issuance. President Trump tried this approach and it was immediately enjoined by the courts. Including it in statutory language would make it harder to block in the courts. It would not just impact children or families seeking asylum, it could include all immigration channels, including those admitted through employment, family-based, and other visa categories.

6. Blocking and limiting those who can seek asylum. Limiting the number of people who can seek asylum would revert refugee policy to the dark days of the pre-WWII era. In the 1930s, the executive branch had the authority to limit the number of people deserving of protection, a policy used to exclude and return Jews fleeing the Holocaust.

Democrats win by going on offense and creating a true contrast against Trump and Republicans.

The majority of voters in America are pro-immigrant *and* pro-orderliness:

- In an April poll, [Global Strategy Group found](#) that 68% of all voters, including 74% of swing voters, want “a balanced approach that includes both border security and protects Dreamers, providing them and other eligible immigrants with a pathway to citizenship.”
- **Only 32% of all voters, and only 26% of swing voters, want “an enforcement-only approach that exclusively focuses on border security and limiting the use of asylum.”**
- In the same poll, 69% of voters strongly support President Biden taking action to protect DACA recipients and other immigrants from deportation.
- In three consecutive polls by the [Immigration Hub](#), [UnidosUS](#), and [Univision](#), respectively, the majority of Latino voters (over 75%) support a balanced approach to addressing our immigration system.
- In a [recent poll](#) conducted by BSP Research, a majority of battleground Latinos reject Trump-era policies, such as “family separation at the border” (69% negative to 22% positive).
- By a 2-to-1 margin Latino voters [oppose](#) denying citizenship to U.S. born children with non-citizen parents and **almost 70% oppose Republican proposals to block migrants who enter the U.S. from applying for asylum.**

As included in the Administration's budget supplemental regarding border security, President Biden and Congress are ready to invest \$14 billion in enhanced border security, efficient asylum processing, enhanced drug interdiction and robust support for receiving communities. By combining these border security measures with an affirmative agenda that provides relief to immigrants here today, the Administration can speak to the majority of Americans who strongly favor such a balanced approach.

Without affirmative relief for settled immigrants working in America, the Administration is fronting for an enforcement-only agenda advanced for decades by right-wing Republicans, which has incredibly low

support among battleground voters. Accepting GOP demands is accepting a deficit in support for President Biden in 2024. The American electorate is not demanding our leaders fix our immigration system with extreme, un-democratic and harmful policies, but rather reasonable and humane reforms – that’s the reason they elected President Biden over Trump in 2020. The Biden-Harris campaign’s advantage is their ability to contrast their wins for all working families, such as TPS for Venezuelans and other nationals, reuniting families, and legal pathways, against the dark vision of America that Trump has to offer.