

U.S. Sen. Johnson: Joins Rep. Biggs to introduce resolution to repeal Biden Administration policy upending asylum process

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Proposed rule only exacerbates Biden's border crisis

WASHINGTON—On Thursday, U.S. Senator Ron Johnson (R-Wis.), member of the Homeland Security and Government Affairs Committee (HSGAC), and Rep. Andy Biggs (R-Ariz.), along with 29 Senators and other House Republicans introduced a resolution of disapproval under the Congressional Review Act to dissolve a proposed Biden Administration rule that would illegally upend the process by which the U.S. government grants asylum claims.

Sen. Johnson and Rep. Andy Biggs (R-Ariz.) are joined by Sens. John Barrasso (R-Wyo.), Marsha Blackburn (R-Tenn.), John Boozman (R-Ark.), Mike Braun (R-Ind.), Tom Cotton (R-Ark.), John Cornyn (R-Texas), Kevin Cramer (R-N.D.), Mike Crapo (R-Idaho), Ted Cruz (R-Texas), Steve Daines (R-Mont.), Lindsey Graham (R-S.C.), Chuck Grassley (R-Iowa), Bill Hagerty (R-Tenn.), Josh Hawley (R-Mo.), John Hoeven (R-N.D.), Jim Inhofe (R-Okla.), John Kennedy (R-La.), Mike Lee (R-Utah), James Lankford (R-Okla.), Cynthia Lummis (R-Wyo.), Roger Marshall (R-Kan.), Jerry Moran (R-Kan.), Rand Paul (R-Ky.), Jim Risch (R-Idaho), Marco Rubio (R-Fla.), Thom Tillis (R-N.C.), Tommy Tuberville (R-Ala.), Rick Scott (R-Fla.), Roger Wicker (R-Miss.) and other House Republicans.

The rule, "[Procedures for Credible Fear Screening and Consideration of Asylum, Withholding of Removal, and CAT Protection Claims by Asylum Officers](#)," would exacerbate the crisis at the southwest border and encourage fraudulent asylum claims by allowing illegal border crossers who claim asylum to have their asylum application approved by U.S. Citizenship and Immigration Services (USCIS) officials, not immigration judges, and to not be detained while their application is pending.

"The Biden administration is sending a clear message: our borders are open, you will not be kept in custody, and you will not have to see a judge to stay here. In a time where we surpassed 2 million illegal crossings at the southern border last year and are on track for even more this year, the proposed rule will only lead to more illegal migration for an already overwhelmed immigration system. We strongly oppose the Biden Administration's reckless attempt to unconstitutionally rewrite the asylum laws in America. The changes the administration is proposing cannot come from unelected bureaucrats, but rather from Congress. I thank my colleagues for joining in this effort," **said Senator Johnson.**

"Instead of promulgating new rules, the Biden Administration should end its illegal catch and release policies and enforce the law. Open border zealots within the Administration are drastically remaking our immigration system under the guise of enhancing humanitarian protections. This couldn't be further from the truth. This proposed rule weakens the integrity of our asylum system and will facilitate mass illegal alien incursions. Rather than focusing on releasing aliens as quickly as possible, the Biden Administration should reimplement Trump Administration policies that worked to secure our border," **said Congressman Biggs.**

On October 19, 2021, Senator Johnson, along with 23 Senate Republicans and 66 House Republicans submitted [public comment](#) to the Federal Register in opposition to the rule. The comment noted:

“The proposed rule represents a blatant violation of the laws passed by Congress. It ignores the mandatory detention requirements of aliens claiming asylum through mass parole, violates the principles of separation of powers, and inappropriately shifts the roles of USCIS and Executive Office of Immigration Review.”

Earlier this month, Sen. Johnson sent a [letter](#) to Sen. Gary Peters (D-Mich.), Chairman of HSGAC, requesting that he immediately convene a public hearing to examine the Biden Administration’s termination of Title 42 border restrictions and other border enforcement policies.

The Congressional Review Act (CRA) can be used by Congress to overturn certain federal agency regulations and actions through a joint resolution of disapproval. If a CRA joint resolution of disapproval is approved by both houses of Congress and signed by the President, or if Congress successfully overrides a presidential veto, the rule at issue is invalidated.

The full text of the resolution can be found [here](#).

Read more about the resolution in [Fox](#).