
Summary Analysis of the Emergency National Security Supplemental Appropriations Act, 2024

Provisions of the [Emergency National Security Supplemental Appropriations Act, 2024](#) would endanger the lives of people seeking asylum, trample on international refugee law, inflict disorder, and lead to human rights abuses. For example, the bill would:

- **Eliminate crucial safeguards on expedited removal**, returning people who have a significant possibility of being eligible for asylum to their countries of persecution without asylum hearings. New barriers to accessing asylum include a higher screening standard and a series of legally and factually complex bars to asylum that will be assessed in screening interviews, where asylum seekers are overwhelmingly not represented by counsel. A [similar approach resulted](#) in people being [three times as likely](#) to not pass screenings and be ordered deported, including political dissidents from [China and Venezuela and LGBTQ asylum seekers](#). The United Nations High Commissioner for Refugees has confirmed that higher screening standards [subject refugees to undue risk](#) of return to persecution.
- **Impose a new expulsion policy** between ports of entry. This policy denies people the ability to seek asylum when crossings surpass a certain number, with exceptions that fail to adequately screen and protect refugees who have well-founded fears of persecution. The expulsion policy is mandatory after an average of 5,000 encounters in 7 days, and optional at 4,000. The Title 42 expulsion policy and policies that strand asylum seekers in Mexico were and continue to be human rights and migration management fiascos. Human Rights First [documented](#) reports of attacks—including murder, kidnapping, rape, and torture—against at least [13,480](#) asylum seekers and migrants expelled to and stranded in Mexico under the Biden administration. This policy will similarly inflict returns to torture, kidnappings, and potentially death; lead to [families separated at the border](#); and profit smugglers and cartels while spurring [disorder and irregular entries](#).
- **Deny access to immigration court hearings** to many people seeking asylum at the border. A new process would entrust asylum interviews and appeals only to USCIS, even though [USCIS regularly fails to grant](#) asylum to individuals later granted asylum by Immigration Judges. In the new process, USCIS would have sole responsibility for conducting screenings, “removal hearings,” and “appeals” and its timelines would thwart access to counsel and appeals. [Fewer than three percent](#) of asylum seekers in a [similar program](#) were able to secure legal representation. The lack of independent oversight and unworkable timelines would essentially rig the system against asylum applicants.
- **Deprive asylum seekers of access to federal court review**, which is critical to oversight of flawed agency decision-making and [has saved the lives](#) of political dissidents, victims of religious persecution, women targeted for gender-based persecution, and LGBTQ refugees.
- **Further escalate detention** of people seeking asylum. This is described in deeply dehumanizing language by some of the bill’s proponents as ending “catch and release.” Detention is [cruel and inhumane](#); it is also unnecessary because the [vast majority](#) of people seeking asylum not in detention appear for their hearings. In FY 2023, [99.5 percent](#) of all people whose asylum cases were decided by immigration judges appeared for their hearings.