

Biden addresses immigration, pauses border wall construction and 'fortifies' DACA

Rafael Carranza, Daniel Gonzalez, Yvonne Wingett Sanchez

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On his first day in office, President Joe Biden issued several executive actions pausing the construction of a border wall along the U.S.-Mexico border and reversing several of his predecessor's policies on immigration, pointing to a major shift in tone and approach to some of the most contentious issues from the past four years.

As he prepared to be sworn in at the Capitol, Biden published a list of 17 actions and orders on a wide range of issues that he was expected to sign later on Wednesday. The majority of those actions would reverse decisions made by former President Donald Trump.

In keeping with his campaign promise, Biden issued a proclamation pausing border wall construction and rescinding a 2-year-old national emergency declaration that Trump used to divert \$10.5 billion in funds from other sources within the federal government, most of it from the military.

He also released a sweeping plan to overhaul the nation's immigration system, including an eight-year pathway to citizenship for an estimated 10.5 million undocumented immigrants, shorter than the 13-year pathway debated in previously bipartisan immigration bills introduced in Congress.

DACA, travel ban included in immigration actions

Immigrant advocates applauded Biden's push to get immigration reform on the agenda of Congress on his first day in office.

“We are optimistic on Biden prioritizing immigration and we hope he can work with Congress to get it through the finish line. People have been waiting for a solution for decades” Reyna Montoya, founder and CEO of the Phoenix-based nonprofit group Aliento, said in a statement..

Biden's proposed immigration legislation will take time to make its way through Congress, but he signed several executive actions that will take effect immediately.

The list includes a presidential memorandum that directs his secretary for Homeland Security to start "preserving and fortifying" the Deferred Action for Childhood Arrivals, or DACA, program, which provides temporary protection from deportation and work permits to young undocumented immigrants who came to the U.S. as children.

The Supreme Court ruled in June that the Trump administration improperly tried to end the program and a federal judge in December ordered that the program be fully restored, However, a federal judge in Texas is expected to decide soon whether the program itself is legal or not.

The Biden memorandum also calls on Congress to provide immediate permanent legal status to the 700,000 DACA recipients as well as hundreds of thousands of immigrants living in the U.S. with Temporary Protected Status granted because natural disasters and conflicts made it difficult to return to their home countries.

Biden revoked Trump's executive order that expanded the prosecution of undocumented immigrants in the interior of the U.S. to include any individual in the country illegally. Under Biden's order, the U.S. Department of Homeland Security will be directed to prioritize immigration enforcement and deportations based on public safety and national security threats.

Biden also extended protected status to Liberian immigrants who have been the U.S. for many years, and repealed the travel ban on citizens from several majority Muslim countries, which drew condemnation when Trump issued them early into his presidency.

Biden also signed an executive order that reverses Trump's order to exclude undocumented immigrants from the census count and the apportionment process to redraw congressional districts, which helps determine resources for local communities.

In another sign of Biden's outreach to immigrants and Latinos, the White House rolled out its new website, including a Spanish-language version, which Trump had taken down.

Arizona Gov. Doug Ducey, a Republican, praised Biden's call for immigration reform but said “the devil will be in the details.” Ducey agrees with Biden that young “Dreamers” — those brought to the U.S. as children — should be provided a path to citizenship.

“Kids that went to high school in Arizona are Arizona kids, and they should have the same opportunities as other Arizona kids,” Ducey said. “To me, that's an easier subject than the subjects beyond that. But I do think it's something that we should tackle. I think it falls into the category of important and urgent, and I would like to tie it to border security.”

Continuing to bolster border security, Ducey said, will help gain bipartisan support in Congress to pass broader immigration reforms.

Retired Sen. Jon Kyl, R-Ariz., who led bipartisan efforts to pass immigration reform in 2007, said while immigration is still an important issue, he does not think it needs to be tackled within Biden's first 100 days in office. Other issues are more urgent, he said, including ramping up distribution of COVID-19 vaccines.

Nonetheless, immigration reform is an important issue for a border state like Arizona, which has a large population of undocumented people, and will impact immigrant families, businesses large and small, and the agricultural sector, he said.

“But comprehensive immigration reform will take time to accomplish,” Kyl said. “And I think that the president is wise to at least begin working on that as soon as possible.”

Border wall projects impacted

Wednesday's proclamation will direct the federal government to pause all border wall construction projects along the southwestern U.S. border so that his administration can review “the legality of the funding and contracting methods used,” according to the fact sheet his transition team released.

Trump issued an emergency declaration in February 2019 that allowed him to tap into billions in taxpayers funds from the U.S. Treasury and Defense departments for border wall construction, rather than have Mexico pay for it as he had promised. His administration completed 452 miles, as of Jan. 5, according to government figures.

The proclamation rescinds the emergency declaration and instructs the federal government to redirect unused portions of the \$9.9 billion that the Trump administration diverted from the Pentagon and \$600 million from the Treasury for construction efforts at the border.

The money diverted from the Pentagon went into two separate pots of money. Section 284 allowed the Pentagon to reprogram funds for wall construction under a provision for "counterdrug activities," while Section 2808 allowed the Defense Department to undertake military construction projects in support of the use of armed forces at the border, which Trump had deployed to the border in the months prior.

The U.S. Army Corps of Engineers oversaw the contract award process for the \$9.9 billion in diverted military funds. As of Jan. 14, the agency had awarded \$7.55 billion in border wall contracts to build 391 miles of barriers, at an average cost of about \$19.3 billion per mile. That leaves approximately \$2.35 billion that had yet to be awarded.

Of the 22 wall construction projects funded by the military, construction crews had finished installing the 30-foot bollard panels in 13 of them, totaling 234 miles, according to the Army Corps of Engineers. The remaining nine projects are ongoing and have estimated completion dates as late as June.

Critics of border wall construction praised Biden's decision to pause border wall construction. But they noted that there was still more to be done.

The Southern Border Communities Coalition, which successfully sued the Trump administration for redirecting money from the Pentagon for the border wall, said halting construction was only the first step in reallocating resources to what is needed most in border communities, such as modernizing ports of entry.

"The Biden-Harris Admin must also provide reparations for communities most harmed by border wall construction, including tribal communities — and shift investments into things like healthcare, education, and job training that help us reach our full potential," the organization said on Twitter.

Laiken Jordahl, the borderlands campaigner for the Tucson-based conservation group Center for Biological Diversity, also praised Biden's quick action. The center sued the Trump administration for waiving numerous environmental and cultural laws to speed up construction.

"We're hopeful this leads to an end to wall construction and to healing for communities and wildlife," Jordahl said. "Contracts must be canceled, and not another foot of wall should be built through these beautiful wild places."