

Senators' Top Target in Border Talks: Tighter Asylum Rules for Migrants

Republicans insist on changes to immigration policy as condition for backing Ukraine aid package

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WASHINGTON—Tightening the initial standard immigrants must meet when applying for asylum could form the basis of a [bipartisan border agreement in the Senate](#), where a group of lawmakers is racing to strike a deal before the end of this year that could unlock billions of dollars in aid to Ukraine.

Senate Republicans have demanded a crackdown on asylum at the U.S.-Mexico border as a condition for backing [President Biden's](#) request for [emergency funding for Ukraine](#), part of a \$106 billion proposal that also includes [aid for Israel](#) and Taiwan as well as money to bolster the immigration system. Senate Democrats have acknowledged that changes to border policy will likely be part of any deal.

Senate Majority Leader Chuck Schumer (D., N.Y.) said Sunday that he plans to bring the Ukraine package to the floor as soon as the week of Dec. 4. He said Republicans, by insisting on attaching border policy changes, had “injected a decades-old, hyper-partisan issue into overwhelmingly bipartisan priorities.” But he said talks continued through the Thanksgiving break, and Democrats “stand ready to work on common-sense solutions” related to the border.

Democrats have a 51-49 majority, but any legislation will require 60 votes to advance in the chamber and will also need to clear the GOP-controlled House. Biden's aid proposal includes money to speed up processing of [migrants at the border](#) but no changes to policy.

“Without the policy changes, funding by itself is not going to directly impact future flows” of immigrants, said Sen. Thom Tillis (R., N.C.), one of the Republicans' lead negotiators.

“In return for providing additional funding for Ukraine, we have to have significant and substantial reforms to our border policy,” said Sen. Tom Cotton (R., Ark.) on Fox News Sunday.

Overhauling the immigration system has long been one of the thorniest tasks before Congress and deep political divisions on the issue have kept lawmakers from passing any major changes since 1996.

But the [unprecedented flow of people](#) seeking asylum at the southern border, coupled with a desire from Democrats as well as many Republicans in both the House and Senate to continue supporting Ukraine in its war with Russia, have brought moderate Democrats to the negotiating table in a way that could crack open the door to a deal.

For several weeks, a bipartisan group of senators has been trading proposals on changes to the asylum system. Unlike in previous efforts to reach a bipartisan immigration compromise, Democrats in the group haven't conditioned their support for a deal on legalization for the population of immigrants living in the country illegally, such as the [immigrants known as Dreamers](#) who were brought to the country as children.

"We have had good conversations over the last several days" about border enforcement, including on whether to change the asylum standard, Sen. Michael Bennet (D., Colo.) said on CBS News on Sunday when asked about the state of talks.

Moderate Democrats and some of Biden's top advisers in the White House believe that, with recent pleas for help from blue-state governors and mayors facing [large migrant populations](#) resettling in their cities, the politics on the issue have shifted. In the past few weeks, White House officials have quietly been reaching out to prominent immigration advocates to prepare them for compromises they might find unsavory.

Republican lawmakers and White House officials have separately homed in on the change to the initial asylum screening standard as a key step to quickly weed out strong asylum claims—and deport those who don't qualify. The current standard for asylum claims is an immigrant's "credible fear" of persecution in their home country, which is seen roughly as any chance above 10%. Raising that bar and mandating more evidence from migrants would block more people from the asylum path.

White House officials see it as an option that could whittle down the number of migrants claiming asylum without needing to massively expand immigrant detention or turn to a program such as former President [Donald Trump's Remain in Mexico policy](#), which requires asylum seekers to live south of the border for the duration of their immigration cases.

The idea was also included in an initial border proposal released by Republicans in early November, a sweeping opening-bid offer that largely mirrors a [House GOP](#)

[border bill known as H.R. 2](#) that passed the House in May. That measure includes other ideas such as continuing to build Trump's border wall and forming safe-third-country agreements to send asylum seekers to other countries instead.

It isn't clear whether changing the initial asylum screening standard will be enough for Republicans to sign onto a deal, or whether more liberal Democrats in the party—who would prefer to see no changes to existing asylum rules—could be persuaded to support a compromise.

Other ideas under consideration, according to people familiar with the talks, include expanding mandatory detention for single adults for the duration of their immigration cases and reintroducing a form of Remain in Mexico. The administration has also asked for \$14 billion in funding to process migrants at the border, and it is likely that at least some of that money, to pay for additional Border Patrol agents and immigration judges, would be included.

Tillis said one consideration for Republicans is to strike a deal that would pass muster in the GOP-led House, where members tend to be more conservative on immigration issues.

"They have to be realistic about where this ultimately ends up," he said. "We don't want any of our members going through something that would just be roundly rejected by our colleagues in the House. That would make no sense."

Lawmakers and aides involved in the negotiations caution that reaching a bipartisan border agreement won't be easy, and any deal likely must be completed by December if it has a chance of passing. Still, a deal looks plausible enough that both progressives and hard-line conservatives in the House have warned their respective parties not to compromise.

"DO NOT water down H. R. 2. Republicans must stand united," Rep. Chip Roy (R., Texas) said on social media. "We cannot negotiate against ourselves."

Progressive Democrats, meanwhile, have protested that party leaders have even considered making concessions on the asylum system as a condition to passing emergency aid for Ukraine and Israel.

"Trying to appease Republicans with bad border policy attached to critical emergency spending or a continuing resolution will not work and is completely inappropriate," the leaders of the congressional progressive, Black, Hispanic and Asian caucuses said in a joint statement earlier this month.