



Written by [Dale Wilcox](#) on April 19, 2022

Our Nation Is Hanging on the Cliff of a Title 42 Disaster

Thanks to the Biden Administration's toxic blend of incompetence and commitment to a radical leftist agenda, our nation has been forced to redefine terms like disaster, crisis, and catastrophe. It seems these terms are used almost daily to describe White House policies, which serves to diminish their significance. But there should be no confusion that, if the Biden White House proceeds with its sickeningly irresponsible plan to end Title 42, we will be facing a catastrophe in the most literal sense of the word.



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The Title 42 program was initiated by the Trump Administration shortly after COVID-19 hit America's shores. The policy allows the U.S. to turn away migrants at the border without an asylum hearing, because of the ongoing pandemic. The policy has been continued, but largely gutted by the Biden Administration. On May 23, the White House [plans](#) to terminate it entirely.

While Biden has left Title 42 in place, he [has carved out](#) an exception for unaccompanied illegal alien children, allowing them to enter the country. This has incentivized parents in other countries to send their children on a dangerous trek to the border. Just this month, Border Patrol [discovered](#) the dead body of a 4-year-old Nicaraguan child. The mother reportedly dropped her child in the Rio Grande River, while making the journey to the border.

Other stories of young children risking their lives to cross the U.S. border have emerged throughout Biden's presidency, including last year, when [five children](#), including an 11-month-old, were found abandoned at the border in over 100 degree weather.

These preventable tragedies have piled up throughout Biden's presidency, and have been made worse by Biden's gutting of Title 42. Still, by leaving much of Title 42 on the books, the Biden Administration has avoided turning the situation at the southern border into an even bigger catastrophe.

The White House is [reportedly aware](#) of the consequences that ending Title 42 will invite, but decided to proceed anyway. The number of illegal aliens crossing the border could exceed 18,000 a day or 500,000 a month, [according to](#) some estimates.

The report also stated that the administration is concerned that human trafficking networks will thrive in a post-Title 42 era, and will continue to exploit Biden's lawless border. Of course, the White House could avoid these problems by simply keeping Title 42 on the books.

Anti-borders groups and politicians have spent months urging the Biden Administration to end Title 42.



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The American Civil Liberties (ACLU) [has taken](#) the administration to court over the policy, [despite supporting](#) severe COVID restrictions on American citizens. Other anti-borders [groups](#) including the American Immigration Council and the American Immigration Lawyers Association have also demanded an immediate end to Title 42. More recently, Biden has come under pressure from Democratic Party leaders to end the policy. A [recent statement](#) spearheaded by Senate Majority Leader Chuck Schumer and Senate Foreign Relations Chairman Bob Menendez called for Biden to end the policy. While a [strong majority](#) of Americans and [bipartisan majorities](#) in Congress support keeping Title 42 in place, Biden has once again caved to far-left activist groups.

At the very least, Biden should not have ended the Title 42 program until all COVID-19 restrictions on Americans were removed. Regardless of what one thinks about the efficacy and legality of such restrictions, it is nonsensical to remove them for illegal aliens, while keeping them in place for Americans. The decision to terminate Title 42 while leaving other COVID restrictions in place is at the center of a lawsuit [recently brought](#) against the Biden administration by the Family Research Council, who has accused the White House of “arbitrary and capricious” policymaking in this area.

In order to uphold the rule of law, the Biden Administration must exercise consistency across the board. The decisions to relax COVID-19 restrictions on illegal aliens but not Americans will undermine the rule of law and sow further distrust in the U.S. government.

My organization, the Immigration Reform Law Institute (IRLI), will continue to fight to uphold the rule of law and defend responsible immigration policies. Earlier this month, [IRLI represented](#) the state of Texas as outside counsel in a case where a federal judge nullified the Biden Administration’s attempts to loosen Title 42.

The situation at the border is already a catastrophe, and it is about to get much worse. If the flow of migrants reaches [expected levels](#) of up to 500,000 per month, the American people should remember that this was entirely preventable, and that nobody but this administration is to blame.

Dale L. Wilcox is executive director and general counsel for the [Immigration Reform Law Institute](#), a public interest law firm working to defend the rights and interests of the American people from the negative effects of mass migration.



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