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A hole is seen from Ciudad Juarez, Mexico, Feb. 1, 2024, near a razor wire fence the state of Texas is using to prevent migrants from crossing into the U.S. at the border. U.S. senators Feb. 4 unveiled a deal on border enforcement paired with security assistance for Ukraine, Israel and Indo-Pacific countries. (OSV News/Reuters/Jose Luis Gonzalez)

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Key Senate negotiators Feb. 4 released an approximately $118 billion emergency national security bill that would send a fresh wave of aid to Ukraine as that nation fends off Russia's invasion and would implement strict new migration policies for the U.S.-Mexico border.

Catholic migration advocates expressed concern about the implications of the proposed legislation for those seeking asylum. J. Kevin Appleby, senior fellow for policy at the Center for Migration Studies of New York and the former director of migration policy for the U.S. Conference of Catholic Bishops, told OSV News the border agreement would severely weaken access to asylum in the U.S., "while also expanding deportation powers with little or no due process protections."

"That is a dangerous combination which would send bona fide asylum-seekers back to their persecutors," Appleby said. "While the plan does include a couple of positive measures to entice Democratic votes, such as the creation of temporary legal avenues for families and help for Afghans, they do not justify supporting permanent and harmful changes to the U.S. asylum system."

Dylan Corbett, executive director of the Hope Border Institute, a group that works to apply the perspective of Catholic social teaching in policy and practice to the U.S.-Mexico border region, told OSV News that "this bill is an example of how the politicization of the border has made any progress on immigration nearly impossible."

"Pivoting to a hardline enforcement posture by both parties is a dead-end strategy, driven more by politics than anything else," Corbett said. "While there are some positive elements, what the bill proposes just won't work. We've tried wall building and tougher enforcement over and over again for years, and they've all proven ineffective when there are not sufficient legal pathways for those in need.

"Inexplicably, there is next to nothing in the bill for legal migration, including for Dreamers, which is desperately needed. And it would make life for many vulnerable migrants and asylum-seekers even more heart-wrenchingly difficult."

In addition to providing military and humanitarian assistance to Israel and Ukraine, the bill would essentially close the border if officials reported counts of unauthorized crossings exceeding a seven-day average of 5,000 or 8,500 on any given day. It also would grant the president power to close the border if such crossings reached an average of 4,000 per day within a week. It also would raise the threshold for migrants to claim asylum by requiring additional proof of credible fear in their home countries.

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The legislation faces steep odds in Congress amid opposition from Republicans in the Senate and the House who are aligned with former President Donald Trump, the frontrunner for the Republican presidential nomination. Despite his own hardline stance on immigration policy, Trump has argued passing the bill would aid President Joe Biden in the November election.

The key negotiators who brought the tentative deal to this stage were Sens. James Lankford, R-Oklahoma, Chris Murphy, D-Connecticut, and Kyrsten Sinema, I-Arizona.

Republican lawmakers had previously sought to tie strict new policies for the Southern border to an emergency spending bill to provide billions of dollars in security assistance to Ukraine and Israel amid their respective conflicts, as well as to Taiwan.

It was not immediately clear if the bill would garner enough support in the Senate to clear the upper chamber's 60-vote filibuster threshold.

Senate Majority Leader Chuck Schumer, D-New York., said in a statement that the "bipartisan agreement is a monumental step towards strengthening America's national security abroad and along our borders."

"This is one of the most necessary and important pieces of legislation Congress has put forward in years to ensure America's future prosperity and security," he said.

Senate Minority Leader Mitch McConnell, R-Kentucky, in a statement, criticized what he called Biden's "border crisis" and "open-borders agenda," arguing it is "time to force the President to start cleaning up his mess and equip future leaders with a system that works and new emergency tools to restore order."

"America's sovereignty is being tested here at home, and our credibility is being tested by emboldened adversaries around the world," McConnell said. "The challenges we face will not resolve themselves, nor will our adversaries wait for America to muster the resolve to meet them. The Senate must carefully consider the opportunity in front of us and prepare to act."

Lankford said in a statement that "Americans are not opposed to legal and orderly immigration, but they are tired of the chaos and abuse at our border."

He argued the bill is "a once-in-a-generation opportunity to close our open border and give future administrations the effective tools they need to stop the border chaos and protect our nation."



Migrants walk in a caravan in Huixtla, Mexico, Jan. 26, 2024, toward the U.S. border. U.S. senators Feb. 4 unveiled a deal on border enforcement paired with security assistance for Ukraine, Israel and Indo-Pacific countries. (OSV News/Reuters/Jose Torres)

In his own statement, Murphy called the bill "aggressive," but said it "does not deviate from our nation's core values."

"Americans know that our immigration system is broken," Murphy said. "They see how our current laws leave the border in often chaotic conditions, and Americans have been begging Republicans and Democrats to stop just using the border as a political weapon and get something done. And that's what we did."

But Republican critics of the bill argued the legislation wasn't strict enough on illegal migration. Sen. Mike Lee, R-Utah, called the legislation "a betrayal of the American people" in a social media post.

House Republican leadership signaled their slim majority in that chamber would kill the legislation. House Speaker Mike Johnson, R-Louisiana, wrote on X, formerly Twitter, "If this bill reaches the House, it will be dead on arrival."

Appleby said if the proposal dies, "hopefully it will clear the way for a future Congress to return to immigration legislation which reforms the entire broken system."

"Comprehensive reform is the best way to humanely manage the border and to uphold American values as an immigrant nation," he said.

Corbett said while the bill "may be dead on arrival, this should be a wake-up call" for "the Catholic Church, our leadership, and the entire faith community in the United States."

"We need to do a much better job articulating a compelling moral vision for welcoming migrants and pushing for change," he said. "Our compassion can be prophetic and our Gospel hope can break the logjam and malaise that are keeping us from real reform. It's clearer than ever that we can't rely on politicians alone to get the job done."

Schumer indicated the Senate will start voting on the legislation Feb. 7.