

# [***Report Suggests Biden Could Benefit If Fellow Liberals Sue Him To Stop Immigration Orders***](https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:6BD3-N0P1-DXXD-7014-00000-00&context=1516831)

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A recent New York Times report suggested that President Joe Biden could actually benefit if liberal organizations sue him after he tries to take executive action on the border.

As Congress continues to debate border initiatives, Biden is reportedly [*considering*](https://dailycaller.com/2024/02/19/biden-weighs-cracking-down-on-illegal-immigration-after-saying-for-months-he-couldnt-do-anything-about-it/) taking executive action to halt those who illegally cross into the U.S. from being granted asylum, several people familiar with the talks told the [*NYT*](https://archive.vn/58jri). Biden apparently could end up using some of the same legal powers former President Donald Trump did, which got him sued by a number of progressive organizations during his presidency. [***(RELATED: Former Border Patrol And ICE Officials Refute Biden's Claim That He Doesn't Have The 'Power' To Secure Border)***](https://dailycaller.com/2024/02/01/former-border-patrol-and-ice-officials-refute-bidens-claim-that-he-doesnt-have-the-power-to-secure-border/)

A lawyer with the American Civil Liberties Union (ACLU) told the NYT there's a real possibility the organization could sue Biden if he takes executive action on the southern border, depending on the details of the policy.

Engaging in a legal fight over Biden's potential executive action could benefit the president, as it would allow him to further blame Republicans for failing to address the border crisis, the NYT piece suggested. Biden has tried to blame Republicans and Trump for the poor state of the southern border, claiming that the GOP hasn't given him the legal authority he needs through Congress to make substantive changes.

“But a legal fight, regardless of the outcome, could allow Mr. Biden to try to neutralize one of his biggest political vulnerabilities - the chaos at the southern border,” the NYT wrote. “Republicans have repeatedly used the border crisis to portray Mr. Biden as weak on enforcement. A legal battle would allow him to spotlight Republicans' refusal to provide him the power to crack down at the border through legislation.”

Brad Bannon, a Democratic strategist, agreed with the report, adding to the Daily Caller that such a scenario would be a “big plus politically.”

“I think from a clearly political view, that scenario would benefit the president politically because he took executive action. The reality is, even if it gets blocked, it is still good ***politics***. In fact, it may be even better ***politics***, if someone successfully blocked it,” Bannon told the Daily Caller.

President Biden could invoke 212(f) authority, under which Trump banned people from several Muslim-majority countries, and which Biden and several of his appointees criticized. But it could lead to a fight some of his advisers see as advantageous [*https://t.co/Pj9RqJNWmt*](https://t.co/Pj9RqJNWmt)

- Maggie Haberman (@maggieNYT) [*February 22, 2024*](https://twitter.com/maggieNYT/status/1760485314966302739?ref_src=twsrc%5Etfw)

During the month of January, the number of migrant encounters at the U.S.-Mexico border hit a new record compared to the same month in previous years. Border Patrol recorded more than 176,000 migrant encounters at the U.S.-Mexico border in January, [*according*](https://www.cbp.gov/newsroom/stats/southwest-land-border-encounters) to federal data.

Biden initially introduced a supplemental national security package in October that would have provided $60 billion in aid to Ukraine, $14.1 billion in aid to Israel and $20 billion for border security. Republicans in Congress have [*continued*](https://dailycaller.com/2024/02/05/joe-biden-veto-israel-bill-congress-border-ukraine-mike-johnson/) to debate border initiatives, arguing that the Biden administration is inappropriately prioritizing foreign issues.

The action Biden is reportedly considering would look similar to an effort former President Donald Trump made though the action was struck down in court, the NYT reported.

“The courts were emphatic that the Trump administration could not deny asylum based simply on how one entered the country,” Lee Gelernt, a lawyer with the ACLU, told the NYT. “Hopefully the Biden administration is not considering recycling this patently unlawful and unworkable policy.”

Leslie Marshall, a Democratic strategist, told the Daily Caller that she does not expect Biden to take the same action as Trump, noting that she believes it would benefit the president to take executive action that would not get hung up in court.

“If I were advising the president, I would look at numbers because you can certainly say 'okay here are the numbers. The numbers are down. This is what I've done further, but this can't be implemented because Congress won't give the funds for Border Patrol to do that. Then it's like, 'I have done everything in my power, but the reason we have the three branches of power is because I'm not a dictator. I don't have a blank check,'” Marshall told the Daily Caller.

**Graphic**

U.S. President Joe Biden delivers remarks on the Emergency National Security Supplemental Appropriations Act in the State Dining Room of the White House on February 6, 2024 in Washington, DC. President Biden urged Congress to pass the Senate-negotiated $118.3 billion deal which would provide funding for Ukraine and Israel as well as national border security measures. (Photo by Alex Wong/Getty Images)

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