

# Safety for all

Responding to the humanitarian crisis in Central America, restoring the U.S. asylum system, and protecting the most vulnerable

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The International Rescue Committee responds to the world’s worst humanitarian crises, helping to restore health, safety, education, economic wellbeing, and power to people devastated by conflict and disaster. Founded in 1933 at the call of Albert Einstein, the IRC is at work in over 40 countries and 26 U.S. cities helping people to survive, reclaim control of their future and strengthen their communities.

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## Introduction

Over the last four years, the Trump administration's increasingly restrictive immigration policies have drastically limited access to U.S. humanitarian protection pathways, blocked access to territory for asylum seekers, and deployed inhumane treatment as a mode of deterrence. Combined with the marked increase in forced displacement in Mexico and Central America and a reduction of U.S. aid to the region, these policies have severely exacerbated the preexisting humanitarian crisis.

Even in the face of draconian asylum policies, people in danger have continued to arrive to the U.S. seeking safety. Data shows that deterrence is not only inhumane,<sup>1</sup> it is also ineffective.<sup>2</sup> There is no virtue in separating children from families, disqualifying women fleeing femicide and gang violence, and returning political refugees to the hands of those they are fleeing.

The Biden administration will be faced with not only the existing humanitarian crisis at the southern border but should also anticipate an increase in the arrival of asylum seekers. It will thus face the triple challenge of unwinding inhumane policies, responding to the current humanitarian crisis, and competently and humanely addressing an increase in arrivals at the border—all during a pandemic.

The administration must be prepared to take bold action in the first 100 days by surging humanitarian assistance to both sides of the border, including COVID-19 response; rapidly restoring protections to vulnerable people seeking safety; and creating a credible rapid response infrastructure to process asylum seekers in an orderly manner that ensures dignity, safety, and recognition of rights for all. It must also expand processing from the region, work to protect migrants in transit, and address root causes of forced displacement throughout the Americas.

Failure to demonstrate a humane approach to these challenges will undermine the administration's campaign to rebuild values-based U.S. leadership and lay waste to a critical opportunity to renew global humanitarian leadership and halt the global retreat from humanitarian obligations. Failure to demonstrate competence will also undermine long-term immigration and humanitarian agendas, including a means to provide status and security to the 11 million undocumented immigrants living, working, paying taxes, and contributing to American communities and the restoration of the U.S.'s legacy as a place of refuge from those fleeing violence and persecution.

The U.S. is the greatest superpower in the world. It has the resources and technical expertise to provide refuge for the most vulnerable. Countries with far fewer resources are hosting far more refugees and asylum seekers, from Colombia to Uganda to Bangladesh. Germany alone received roughly half of the 3.1 million asylum applications submitted in the European Union between 2015 and 2017,<sup>3</sup> yet it had only about 68,000 pending asylum cases at the end of that period.<sup>4</sup> In surging resources to its asylum system, Germany turned a massive humanitarian crisis into an opportunity to save hundreds of thousands of lives and build a competent, expeditious, and credible asylum system in the process. Through the IRC's work supporting German organizations delivering education, employment, and psychosocial services to refugees,<sup>5</sup> the IRC has also witnessed the country's success in ramping up long-term support to usher the successful integration of newcomers in their new communities.

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<sup>1</sup> <https://globalmigration.ucdavis.edu/prevention-deterrence-policies-have-counterintuitive-relationship-migrant-death-crisis>

<sup>2</sup> <https://www.americanprogress.org/issues/immigration/reports/2018/07/24/453660/family-separation-detention-deter-immigration/>

<sup>3</sup> <https://www.migrationpolicy.org/research/integrating-refugees-asylum-seekers-germany>

<sup>4</sup> <https://www.asylumineurope.org/news/31-03-2018/aida-2017-update-germany>

<sup>5</sup> <https://www.rescue.org/country/germany>

A competent and protection-forward asylum system is a matter of political will and policy. If the Biden administration gets it right, the U.S. will be a beacon of hope and can credibly urge the international community to step up and share responsibility worldwide. If not, the consequences will be measured in lives lost and in regional and political instability.

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## The IRC's work with asylum seekers in the Americas

In the **Americas**, the IRC operates across the arc of crisis—in the midst of the humanitarian emergency in **Colombia**, **Northern Central America**, and through partners in **Venezuela**; in shelters and encampments in **Mexico** where asylum seekers have been forced to wait for their U.S. asylum hearings; and in welcoming communities across **25 cities in the U.S.**

In **Mexico**, the IRC partners with local organizations to aid migrants and asylum seekers stuck in border towns, supports programs that serve survivors of gender-based violence, and provides public health awareness and psychosocial support for people in 17 shelters in **Ciudad Juárez**, benefiting nearly 10,000 people. In **Northern Central America**, the IRC works to address the needs of families impacted by violence through collaborations with local organizations, via an interactive information platform tailored to the unique needs of refugees and returnees, and through programs for internally-displaced women, girls, and LGBTQ+ people in **El Salvador**. In **Colombia** and through partners in **Venezuela**, the IRC is working to protect children and adolescents, empower women and survivors of gender-based violence, provide access to health care, and support people's economic well-being.

In the **U.S.**, the IRC has served thousands of individuals, children and families seeking asylum and protection before, during and since the current sustained crisis at the **U.S.-Mexico border**. Our services include critical immediate assistance and comprehensive case management, legal representation<sup>6</sup> to adults and unaccompanied children facing removal proceedings both in and released from detention, and home studies and post-release services<sup>7</sup> to unaccompanied children. The IRC also provides limited legal assistance to vulnerable individuals affected by the Remain in Mexico policy and short-term humanitarian assistance at its 24/7 Welcome Center in **Phoenix**. Across the U.S., the IRC also serves resettled refugees, asylees, survivors of torture, and victims of human trafficking.

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<sup>6</sup> <https://www.rescue.org/announcement/irc-dallas-helps-individuals-detained-ice-receive-fair-day-court>

<sup>7</sup> <https://www.rescue.org/announcement/irc-dallas-statement-child-separation>

# 1. Surge humanitarian assistance to both sides of the border

In 2019, Mexico was featured for the first time in the IRC's 2019 Watchlist,<sup>8</sup> signaling that multiple risk factors are combining to increase the likelihood of deteriorating humanitarian conditions in the country. A needs assessment conducted by the IRC in 2019 found that those forced to wait in Mexico face serious danger, including sexual and physical violence, child recruitment into gangs,<sup>9</sup> extortion, kidnapping, human trafficking, femicide, and homicide. Approximately 57% of all people experience some kind of violence along their journey to Mexico, coming from and passing through regions where insecurity is widespread.<sup>10</sup>

Furthermore, with the number of asylum seekers far exceeding available shelter space, many are left to reside in dangerous and unregulated situations while awaiting asylum or immigration processing. The IRC found<sup>11</sup> that those forced to remain in the Mexico border region are faced with both acute and increasingly long-term unmet needs. Needs are related to the dangerous journeys people are forced to take (gender-based violence response, medical care, child protection), forced immobility (cash, education, protection, legal assistance), and their reasons for fleeing country of origin (protection from domestic and gang violence, LGBTQI+ protection). However, the true scope of the humanitarian crisis is not well-visualized: many people, especially women<sup>12</sup> and children, are at even greater risk than current, limited statistics accurately represent.

- A. **Strengthen humanitarian capacity along the border in Mexico and the U.S.** In Mexico, humanitarian efforts along the border have historically been underfunded and surpassed by needs. Though many civil society initiatives have existed for decades to address both migration and other community crises, insufficient capacity and technical expertise has prevented a response commensurate with the current increase in need. The administration should make emergency humanitarian assistance available to scale up existing networks and support local NGOs and Mexican government efforts. NGOs like the IRC are positioned to rapidly scale up operations to assist in this effort. Shelter strengthening is particularly critical for vulnerable populations like women, children, the LGTBQIA+ community and those with non-binary gender expression, indigenous people, and communities who speak languages of lesser diffusion.
- B. **Coordinate with stakeholders in relevant sectors.** The U.S. must invest heavily in relationship-building with existing responders and community-based actors that can provide historical context and landscape analysis. It's critical that the U.S. partners with and augments existing programs to help develop a response to the evolving dynamic of clients and crises they face.
- C. **Formalize and expand the existing network<sup>13</sup> of border shelters in the U.S.** In the U.S., the border region was historically a quick stop before crossing into the U.S. so shelters and other programs were built for short intervention. The administration should strengthen capacity across the border shelter network to establish minimum standards of service provision and ensure immediate humanitarian assistance for asylum seekers once released from U.S. custody. Investments should be made to increase the capacity of shelters to provide critical services beyond shelter, food, and transit assistance, such as legal orientation and referral to psychosocial and other medical services. In doing so, the administration should seek to preserve and consult local expertise: a diversity of shelter models has evolved to meet the unique challenges and offerings of specific geographies and communities along the 1,969-mile-long

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<sup>8</sup> <https://www.rescue.org/report/irc-emergency-watchlist-2019>

<sup>9</sup> <https://www.rescue.org/sites/default/files/document/3733/ircmexicoassessmentreport.pdf>

<sup>10</sup> [https://www.doctorswithoutborders.org/sites/default/files/documents/Doctors%20Without%20Borders\\_No%20Way%20Out%20Report.pdf](https://www.doctorswithoutborders.org/sites/default/files/documents/Doctors%20Without%20Borders_No%20Way%20Out%20Report.pdf)

<sup>11</sup> <https://www.rescue.org/sites/default/files/document/3733/ircmexicoassessmentreport.pdf>

<sup>12</sup> <https://www.rescue.org/sites/default/files/document/4580/waitinginjuarez-2020final4.pdf>

<sup>13</sup> Existing border shelters and shelter networks include those organized in coalition by Annunciation House (El Paso), San Diego Rapid Response Network, Church World Service Border Shelter Network, Migrant Justice and Relief Coalition (Phoenix), Southern Border Communities Coalition, and the Kino Border Initiative (Nogales).

border. The IRC operates a border shelter, the Welcome Center in Phoenix, to provide critical assistance to asylum seekers released from ICE detention.<sup>14</sup>

- D. **Deploy a major information campaign across the region to counter misinformation and publicize policy changes.** Access to trustworthy and timely information is a challenge for many people on the move, but even more critical in an environment where policies may be rapidly changing and families are forced to make quick decisions. Assessments indicate that the rapid changes in U.S. policy have bred misinformation that may place vulnerable people at further risk. Existing models include the IRC's Signpost initiative,<sup>15</sup> interactive platforms that provide reliable information, connection to protective services, and access to legal assistance, shelter, and employment programs. These platforms support coordination across actors from national, state, and municipal levels of government and non-governmental organizations. It will be critical for the administration to assess which messengers will most effectively disseminate accurate information.

## 2. Create and implement a credible, humane, and efficient asylum process

Any response to the region's humanitarian crisis relies on immediate actions to restore access to the U.S. asylum system. This legal reform is a prerequisite to a protection-forward response, and the administration must implement rapid policy change via executive action in its first day in office. At the same time, the change in administration and rescission of restrictive policies may create a sharp increase in the arrival of asylum seekers at the border. The administration must prepare for this eventuality by creating short-term, rapid response infrastructure (see 2.D.) to process asylum seekers in an orderly, efficient, protection-based manner.

Currently, conditions for asylum seekers who are already in the U.S. are dire. Asylum seekers may face indefinite detention in facilities unable to meet their basic needs, especially during the current pandemic; those who are not detained face overwhelming challenges in acclimating to life in a new country. Most asylum seekers are without legal representation or comprehensive understanding of the U.S. immigration system and available support services, prohibiting their successful and expeditious navigation of such systems. Having fled life-threatening circumstances, asylum seekers in the U.S. face a system that impedes their pursuit of safety.

**The incoming administration should strongly consider establishing a high-level special coordinator to work across the interagency to implement short-term, emergency responses while undertaking a long-term transformation of the U.S. asylum system.** The Special Coordinator could be aided in this effort with a bi-partisan commission of inquiry. The U.S. asylum system is a broken jumble of agencies, mandates, systems, programs, rules and regulations, leaving millions of lives in limbo. It was unfit for purpose in prior administrations and is now so destroyed by the Trump administration that the parents of separated children cannot be found and families cannot be reunited. In the long-term, there must be a wholesale transformation and rebuilding of capacity. In the immediate term, the incoming administration should focus on the following emergency actions:

- A. **Rescind policies unlawfully limiting asylum eligibility, denying due process, and preventing asylum seekers' economic self-sufficiency.** (See Appendix)

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<sup>14</sup> <https://www.rescue.org/announcement/welcome-center-asylum-seeking-families-launches>

<sup>15</sup> <https://www.signpost.ngo/> See CuéntaNos serving those in El Salvador, Honduras, and Guatemala, InfoPa'lante serving Venezuelans and Colombians in need in Colombia, and InfoDigna serving those at the U.S.-Mexico border.

- B. **Ensure minors are processed in strict accordance with existing child protection laws (e.g., TVPRA) and that families (including children traveling with siblings, grandparents, etc.) are never separated due to immigration status.**
- C. **Improve oversight, accountability, and transparency for DHS agencies (USCIS, CBP, and ICE) including their budget, implementation, and enforcement policies.** Supervision and training of government officials interacting with vulnerable asylum seekers is necessary to ensure that implementation of immigration laws and policies is consistent with the U.S.'s humanitarian values. DHS agencies should be competent and properly trained to utilize security data systems, identify asylum seekers, and elicit relevant testimony in a protection-forward, trauma informed manner. Increased competence and protection-forward training would ensure that implementation of asylum laws, rules and regulations result in efficient, fair and credible asylum processing.
- D. **Ramp up COVID-19 response capacity at POEs.** The U.S. should rapidly invest in PPE, rapid COVID-19 testing capability, and trauma-informed public health expertise at POEs. POEs, reception centers, and border shelters must be equipped to manage COVID-19 using standards driven by science and public health expertise, not enforcement agencies.
- E. **Construct short-term reception centers to meet logistics and protection challenges.** To meet acute challenges posed by a sudden and significant increase in the number of people arriving at the southern border (at and between POEs), the administration should consider the short-term usage of reception centers to expedite registration in a protection-based manner. The creation of reception centers would also mark a clear departure from the use of ICE and CBP facilities and registration procedures that have demonstrated an inability to uphold the humane treatment of all people and have as a result lost public confidence. Such facilities must foremost ensure the protection of migrants and asylum seekers and preserve the right to asylum and other forms of humanitarian legal protection. Reception centers should be created with funding transferred from ICE programs.<sup>16</sup>
  - a. **Expedite asylum seekers' registration and initial processing.** Asylum seekers must not be held for the duration of the adjudication of their claims; reception centers must only provide triage and processing. Individuals should stay for a maximum of 72 hours.
  - b. **Grant full access to humanitarian and social service organizations to reception centers.** Civil society should be based on-site to ensure the provision of urgent medical and psychosocial services, legal orientation, logistics coordination, and other linguistically and culturally responsive services.
  - c. **Release asylum seekers to the border shelter network.** There must be strong referral pathways between reception centers and border shelters to end the practice of vulnerable people left without basic necessities upon release from initial federal custody.
- F. **Formalize and expand the existing network of border shelters in the U.S.** (See Section 1.C.)
  - a. **Fund specially equipped border shelters or other (non-CBP or ICE) facilities to provide a place for COVID-19-positive asylum seekers to quarantine before reuniting with their sponsors.** Such facilities should be provided with PPE, rapid testing machines, and have healthcare professionals on staff. Asylum seekers should be referred to medical care as needed and provided updated health information in their own language. Individuals must not be detained and have agency to move freely if they choose to self-isolate in a separate location, in line with public health expert recommendations.<sup>17</sup>
  - b. **Equip shelters to provide transit coordination and referral to longer-term support in host communities across the U.S.**

<sup>16</sup> Since its founding, ICE spending has nearly tripled, from \$3.3 billion to \$8.4 billion today. Much of this funding has gone to increasing the agency's capacity to detain migrants and asylum seekers.

<sup>17</sup> <https://www.humanrightsfirst.org/resource/public-health-measures-safely-manage-asylum-seekers-and-children-border>



- G. **Expand and increase funding to the Legal Orientation Program and expand to include an “at the border” component in Mexico and the U.S. border shelters.** The Legal Orientation Program<sup>18</sup> (LOP) educates detained immigrants about their rights and U.S. legal processes so that they are empowered to make informed decisions about their legal cases. The administration should also increase funding to LOP such that 100% of detained people have access (today, the program only serves about 25% of detention centers).
- H. **Adopt an Alternatives to Detention (ATD) model centered on an improved Family Case Management Program (FCMP).** Asylum seekers must not be detained while awaiting the adjudication of their claim. Utilizing community-based holistic case management (an ATD formerly in use by ICE) costs far less than detention and is highly effective at ensuring compliance with immigration requirements.<sup>19</sup> The administration should move away from an ICE-run model<sup>20</sup> and towards protection- and strengths-based frameworks such as those for survivors of torture (SOT).<sup>21</sup> The Office of Refugee Resettlement (ORR) should be contracted to implement FCMP, whereby services are sub-contracted out to skilled providers around the U.S. such as refugee resettlement agencies (like the IRC), Ethnic Community Based Organizations, and faith-based initiatives.
- I. **Fund robust psychosocial recovery services for asylum seekers.** Most asylum seekers are fleeing countries in conflict with high rates of sexual and gender-based violence, deprivation, torture, and other well-documented forms of collective and individual violence from both state and non-state actors. Their journey to seek safety is also often high risk and may expose them to further abuse similar or worse than that from which they are fleeing. Though actual occurrence is known to be grossly underreported, multiple studies have shown that at least 30% of all asylum seekers have experienced torture and more than 70% of asylum seeking women have experienced some form of sexual violence.<sup>22</sup>
- J. **Strengthen and formalize community co-sponsorship programs for critically vulnerable asylum seekers.** Ninety percent of asylum seekers have family or friends in the U.S. ready to welcome them.<sup>23</sup> For those who do not, there exists limited support. The administration should expand existing programs that offer reception services for these individuals and families. Refugee resettlement agencies<sup>24</sup> should be funded to work in tandem with existing providers and key partners (e.g. Ethnic Community Based Organizations, faith-based initiatives, grassroots collectives focused on immigrant rights) to provide stable housing, facilitate family reunification where possible, and refer to other critical services.
- K. **Move toward a nationwide model of universal representation for non-citizens at risk of navigating the immigration system without legal representation.** All immigrants, including asylum seekers, in removal proceedings should have the right to a government-funded immigration attorney. Currently, immigrants can hire an attorney or represent themselves pro se. A model of universal representation respects the dignity of every person and safeguards justice for everyone. The vast majority of non-citizens subject to removal proceedings—where lives and family unity are on the line—are not legally entitled to government-funded representation. Immigrants with access to legal representation are up to ten times more likely to obtain immigration relief in the U.S. than those who are unrepresented.<sup>25</sup> In Dallas, the IRC provides universal representation for immigrants facing detention and deportation with support from the Vera Institute of Justice and the Dallas Office of Welcoming Communities & Immigrants Affairs.

<sup>18</sup> <https://www.vera.org/projects/legal-orientation-program>

<sup>19</sup> <https://www.gao.gov/assets/670/666911.pdf>

<sup>20</sup> <https://s33660.pcdn.co/wp-content/uploads/2020/04/The-Family-Case-Management-Program.pdf>

<sup>21</sup> <https://www.acf.hhs.gov/orr/programs/survivors-of-torture>

<sup>22</sup> <https://ajph.aphapublications.org/doi/10.2105/AJPH.2012.301136>

<sup>23</sup> <https://usipc.ucsd.edu/publications/usipc-seeking-asylum-part-2-final.pdf>

<sup>24</sup> Resettlement agencies like the IRC are well positioned to aid in this initiative: this network of over 150 community-based agencies has been providing reception and placement to newly arrived refugees for half a century. These providers, established in 48 states, are skilled in the rapid delivery of services for newly arrived vulnerable populations of a wide array of nationalities, language groups, and ages.

<sup>25</sup> <https://www.vera.org/advancing-universal-representation-toolkit/the-case-for-universal-representation-1>

- L. **Provide long-term support services for asylum seekers while they await adjudication of their claim.** The provision of sustainable support for asylum seekers in their host communities throughout the U.S. is critical. Today, there is very little in the way of comprehensive assistance for those with pending asylum cases. The administration should create a referral pathway between government agencies and the community-based organizations providing these services in host communities.

### 3. Expand processing from the region, protect migrants in transit, and address root causes

The administration must address the regional humanitarian emergency across the arc of crisis and to work with international and domestic partners to provide critical assistance to people on the move and sustainable solutions to displacement and migration from the region.

- A. **Increase regional resettlement and develop alternate pathways to safety.** The U.S. should continue to serve as a global leader in recognizing claims from the region and provide safe, navigable pathways for those facing harm. Significantly increasing resettlement numbers and ensuring timely regional refugee processing will serve to protect the most vulnerable from the risk of violence, trafficking, and life-threatening migration journeys. Furthermore, the administration must provide two distinct pathways that allow for fair and efficient adjudication processing for those seeking asylum and others who are not in fear of persecution, but instead desire better economic opportunities in the U.S. A clear pipeline for asylum seekers ensures that those in need of protection receive it in a timely manner and those who have alternate pathways utilize systems designed to process their claims.
- B. **Fund expanded emergency transit centers in Central America.** The administration should work with existing actors to establish information and assistance centers along migration routes in Mexico and Central America to support people in need of international protection, including internally displaced people. Such centers must be responsive both to the diversity of vulnerable people from the immediate region and to those who are passing through from other parts of the world.
- C. **Build protection capacity in the region.** Direct DOJ and DHS to rescind 84 FR 63994, the interim final rule allowing for the implementation of Asylum Cooperative Agreements (ACAs). The ACAs should be transitioned into agreements to expand protection capacity across the region.
- D. **Recognize and address the broader humanitarian crisis in Mexico and the region.** The humanitarian response in Mexico is not being treated with the same urgency or coordination as other humanitarian crises of similar size or need. The administration should prioritize bilateral funding within global, regional, and country-level humanitarian response plans and based on jointly identified opportunities, should provide funding as directly as possible to implementing organizations, and should scale-up long-term flexible funding.<sup>26</sup>
- E. **Combat drivers of forced displacement through development aid, humanitarian response, and other assistance to Northern Central America.** Addressing poverty, food insecurity, the lack of economic opportunity, the impacts of climate change, violence and insecurity, weak governance, and the region's endemic corruption are critical areas of need. The administration should invest in civil society organizations that are already on the frontlines.<sup>27</sup>

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<sup>26</sup> <https://www.rescue.org/sites/default/files/document/4981/essentialsofcbvduringandaftercovid-19625vfupdated629.pdf>

<sup>27</sup> This includes the full resumption of funding: in 2019, the U.S. suspended all assistance in Northern Central America and reprogrammed approximately \$400 million in FY 2018 funds for use in other countries. While the aid was subsequently released, no new USAID programs have been awarded nor funded since. This discontinuation has made it impossible to adequately assess programmatic impact and has undermined perceptions of U.S. reliability.



- F. **Fund programming for the protection of women and girls.** With some of the highest rates of femicide globally, violence against women and girls is a driver of displacement across the region. This threat facing women and girls must be prioritized through humanitarian response mechanisms and funded as part of a robust response to the full range of protection concerns in the region. This response must include case management, medical care, psychosocial support services, and legal aid.<sup>28</sup>

## First 200 Days Action Plan

### Pre-inauguration

Counter misinformation and publicize policy changes through investments in interactive mobile platforms that provide reliable information and coordination between government and civil society actors.

### Day 1

Restore basic protections to asylum seekers through executive action by directing agency leadership to rescind policies that have denied the right to asylum.

Repair and reform the U.S. asylum system by beginning the process of withdrawing and/or reversing policies that severely limited asylum eligibility, wrongfully deported asylum seekers, denied due process, prevented the economic self-sufficiency of asylum seekers, and worked to externalize U.S. borders.

### Month 1

Ramp up COVID-19 response capacity at POEs through ramped up investment in PPE, rapid COVID-19 testing capability, and public health expertise.

Strengthen humanitarian capacity in Mexico to meet the existing crisis and projected increase in need.

Scale up immediate-term registration and processing capacity at the border through the creation of short-term reception centers to meet logistics and protection challenges; the formalization and expansion of the existing network of border shelters in the U.S.; and increased funding and mandate for the Legal Orientation Program.

### First 200 days

Expand alternatives to detention and increase long-term support services for asylum seekers in the U.S. Adopt an Alternatives to Detention (ATD) model centered on an improved Family Case Management Program.

Provide long-term support services for asylum seekers while they await adjudication of their claim. Create a referral pathway between government agencies and the community-based organizations providing these services in host communities.

Begin the process of demilitarizing border communities in the U.S. and Mexico by convening consultations with community-based organizations, faith-based organizations, and NGOs with knowledge of local impacts to strategize, develop, and implement solution-based outcomes.

Invest in nationwide universal representation models for people at risk of navigating the defensive immigration system without legal representation. A model of universal representation respects the dignity of every person and safeguards justice for everyone.

Address regional impacts and root causes of forced migration in the region through the prioritization of assistance to the humanitarian crisis in Mexico and Northern Central America, particularly programming for the protection of women and girls.

Fund expanded emergency transit centers in Central America to provide information and assistance to people in need of international protection, including internally displaced people.

<sup>28</sup> <https://www.rescue.org/sites/default/files/document/4580/waitinginjuarez-2020final4.pdf>

## Appendix

The administration must rescind policies unlawfully limiting asylum eligibility, denying due process, and preventing asylum seekers' economic self-sufficiency. This list is not comprehensive.

- A. Rescind policies unlawfully limiting asylum eligibility.
  - a. Direct DOJ and DHS to rescind 83 FR 55934,<sup>29</sup> the interim final rule barring asylum for people who cross the border between ports of entry.
  - b. Direct DOJ and DHS to rescind 84 FR 33829,<sup>30</sup> the interim final rule barring asylum for people who transit through a third country on their way to the U.S. southern border in search of safety.
  - c. Direct DOJ and DHS to withdraw 84 FR 69640,<sup>31</sup> a proposed rule that would add seven categorical bars to asylum eligibility and constitute an unnecessary and punitive overhaul of the asylum protections enshrined in U.S. and international law.
  - d. Direct DOJ and DHS to withdraw 85 FR 36264,<sup>32</sup> a proposed rule that would deprive innumerable persecuted people the ability to seek and obtain asylum in the U.S. and deny protection to those most in need.
  - e. Direct DOJ and DHS to withdraw 85 FR 41201,<sup>33</sup> a proposed rule that would dismantle the U.S. asylum system on the pretext of public health concerns.
  - f. Direct CDC and HSS to rescind 85 FR 16559,<sup>34</sup> an interim final rule allowing for the suspension of entry at the border on the pretext of public health concerns.
  - g. Overturn Matter of A-B-<sup>35</sup> and issue new DHS policy guidance for asylum eligibility on account of membership in a particular social group.
- B. Rescind policies that expedite removal proceedings and deny due process.
  - a. Direct the CDC to revoke its Order<sup>36</sup> issued under Title 42 that suspends entry at U.S. borders indefinitely on the pretext of public health.
  - b. Rescind the Migrant Protection Protocols (MPP).
  - c. Direct CBP to rescind the Prompt Asylum Claim Review (PACR) and the Humanitarian Asylum Review Process (HARP) programs.
  - d. Direct DOJ to withdraw 85 FR 59692,<sup>37</sup> a proposed rule that would change procedures related to the adjudication of applications for asylum, withholding of removal, and protection under the Convention Against Torture, eroding fairness and due process.
- C. Rescind policies that prevent asylum seekers' economic self-sufficiency.
  - a. Direct DHS to rescind 85 FR 38532,<sup>38</sup> the final rule barring many asylum seekers from applying for EADs and extending the time that asylum applicants have to wait to apply for Employment Authorization Documents (EADs) from 180 to 365 days.
  - b. Direct DHS to rescind 85 FR 37502,<sup>39</sup> the final rule removing a DHS regulatory provision stating that USCIS has 30 days from the date an asylum applicant files the initial Form I-765, Application for Employment Authorization, to grant or deny that application.

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<sup>29</sup> <https://www.federalregister.gov/documents/2018/11/09/2018-24594/aliens-subject-to-a-bar-on-entry-under-certain-presidential-proclamations-procedures-for-protection>

<sup>30</sup> <https://www.federalregister.gov/documents/2019/07/16/2019-15246/asylum-eligibility-and-procedural-modifications>

<sup>31</sup> <https://www.federalregister.gov/documents/2019/12/19/2019-27055/procedures-for-asylum-and-bars-to-asylum-eligibility>

<sup>32</sup> <https://www.federalregister.gov/documents/2020/06/15/2020-12575/procedures-for-asylum-and-withholding-of-removal-credible-fear-and-reasonable-fear-review>

<sup>33</sup> <https://www.federalregister.gov/documents/2020/07/09/2020-14758/security-bars-and-processing>

<sup>34</sup> <https://www.federalregister.gov/documents/2020/03/24/2020-06238/control-of-communicable-diseases-foreign-quarantine-suspension-of-introduction-of-persons-into>

<sup>35</sup> Matter of A-B-, 27 I&N Dec. 316 (A.G. 2018).

<sup>36</sup> [https://www.cdc.gov/quarantine/pdf/CDC-265-Order-Renewal\\_5-19-20-p.pdf](https://www.cdc.gov/quarantine/pdf/CDC-265-Order-Renewal_5-19-20-p.pdf)

<sup>37</sup> <https://www.federalregister.gov/documents/2020/09/23/2020-21027/procedures-for-asylum-and-withholding-of-removal>

<sup>38</sup> <https://www.federalregister.gov/documents/2020/06/26/2020-13544/asylum-application-interview-and-employment-authorization-for-applicants>

<sup>39</sup> <https://www.federalregister.gov/documents/2020/06/22/2020-13391/removal-of-30-day-processing-provision-for-asylum-applicant-related-form-i-765-employment>