

Policy Solutions to Safeguard and Strengthen the U.S. Asylum System

Our immigration system requires smart, practical solutions so that people can seek asylum and access protection. The #WelcomeWithDignity Campaign outlines recommended solutions below. At the heart of our path forward is: *Do no harm*. Policies that restrict or ban access to asylum are not only unlawful, they are counterproductive and put people and communities in harm's way.

1. Protect people seeking safety at the United States-Mexico border by restoring full and equitable access to asylum regardless of manner of entry.

The Biden administration and Congress need to prioritize investing in increased access to asylum at U.S. ports of entry by **adequately staffing Customs and Border Protection's (CBP) Office of Field Operations (OFO)**.

OFO must **expeditiously and equitably process people** exercising their legal right to seek asylum at all ports, including people unable to book an appointment via the CBP One smartphone app, who are often among the most vulnerable and at risk. The government should also immediately increase the number of CBP One appointments and expand the locations at which they are available. People seeking asylum, including children with and without their families, frequently wait six months or more in perilous conditions to enter through U.S. ports of entry. This is woefully inadequate in the midst of [unprecedented global displacement](#), and the U.S. government has the ability to do far more. Our failure to increase processing capacity, in line with humanitarian and operational needs, has further fueled the false narrative that the border is out of our control.

The Biden administration and Congress need to **reject misguided policies designed to “deter” and punish migration**, which only create chaos while returning people to danger, retraumatizing vulnerable people—including many who are fleeing persecution—and separating families. Policies like the asylum ban, Title 42 (or other expulsion policies), or Remain in Mexico, as well as state efforts like Texas's Operation Lone Star and the SB 4 law, [exacerbate disorder](#) and inflict [massive human rights abuses](#). Detention and blanket surveillance programs are also physically and psychologically harmful for people seeking safety in the United States, and do not address the very real challenges at the border. For Indigenous Peoples—women and children in particular—when their right to identify as Indigenous is not respected, it sets the stage for a slew of human rights violations of [international law standards](#).

2. Support existing and launch new coordinated and humane reception and integration systems that meet the immediate and long-term needs of people seeking safety.



Congress needs to **robustly and sustainably fund** local governments and community organizations welcoming new arrivals and providing essential humanitarian services that help offer stability and support people to navigate the U.S. immigration process. Without this support, many of these individuals would be left on the streets of border cities without resources or connections to their loved ones in the United States.

Resources need to include the existing FEMA Shelter and Services Program (SSP) that supports immediate reception, the Department of Homeland Security (DHS) Case Management Pilot Program (CMPP) that supports organizations providing longer-term case management, the Office of Refugee Resettlement (ORR) Refugee Entrant Assistance Account (REA), as well as additional funding to communities and organizations providing medium- and long-term housing and other support. All programming needs to, wherever possible, engage nonprofit humanitarian specialists with firsthand experience in leadership and oversight.

The Biden administration needs to create **a clear and whole-of-government approach** to supporting communities and organizations with the reception of people seeking asylum. A centralized office in the White House that works across agencies, states, localities, and non-governmental organizations needs to be established to coordinate these humane reception and integration systems. The office needs to also ensure that those who do the work of welcoming are not targeted by adversarial officials or agitators.

In addition, reception and integration systems should include **culturally appropriate services**, including:

- Initial shelter, food, acute medical care, clothing, and other basic essential needs;
- Transportation support to final destinations;
- Equitable access to safe, affordable housing through sustainable means, which Congress needs to support through [funding](#) and [policy reforms](#) to increase the affordable housing supply for all communities, including newcomers;
- Access to fair and timely labor opportunities, education and child care, medical and mental health care, Indigenous and rare language access through interpretation, safety planning, and other critical services to meet basic needs.

When people seeking asylum are able to support themselves and have their basic needs met, they are far better equipped to comply with immigration requirements and see their cases through with the support of their communities.

3. Create a more fair, effective, and timely immigration system to reduce backlogs, improve fairness, and increase efficiency.

Immigration courts and U.S. Citizenship and Immigration Services (USCIS) have faced years of significant underfunding and understaffing, especially compared to immigration enforcement funding. This, combined with counterproductive and harmful policy and systems changes, has

resulted in unprecedented [asylum processing backlogs](#), with many community members waiting in limbo for years for their cases to be determined.

Congress and the administration need to take urgent action to ensure our system is efficient *and* fair, including by:

Prioritizing funding to increase capacity for the adjudication of asylum claims, clear the backlogs, and decide new cases in a timely manner. Capacity needs include immigration court staff, interpreters, immigration judges, and asylum officers.

Rejecting unjust and counterproductive laws and policies, which have created numerous [barriers](#) to due process in the asylum process. The administration needs to reject the use of fast-track deportation programs, including the “enhanced expedited removal” program that pushes people through rushed asylum screenings while in CBP custody and the “[Family Expedited Removal Management Program](#)” that applies blanket surveillance mechanisms for families undergoing rushed asylum screenings. The administration needs to also [fix](#) counterproductive inefficiencies and unworkable timelines to ensure more asylum-eligible cases are granted at the asylum office, rather than unnecessarily referred to immigration courts.

Securing funding for counsel for all indigent people navigating the U.S. immigration system, and in the absence of congressional action, support existing legal orientation and representation programs to the greatest extent possible. Legal representation—currently [inaccessible](#) to the vast majority of people seeking asylum in the United States—[helps](#) the immigration system function more fairly and efficiently, while protecting due process rights. It also helps to ensure that the government is not sending refugees—including children—back to danger for failure to adequately hear their claims for protection.

Funding USCIS to ensure timely processing of all work permit applications, both for initial applicants and renewals, to help migrants and their families become more self-sufficient. Timely provision of work authorization also reduces the risks of continuing and new victimization for survivors of domestic violence, and reduces the risk of worker exploitation. The Biden administration should (i) expand pilot programs for work authorization applications at border shelters and clinics in destination cities; (ii) establish one accessible, centralized process through USCIS by which individuals of all nationalities may apply to extend or re-designate their parole status and associated work authorization without associated fees or unreasonable delays; and (iii) make the process of applying for work authorization easier and more accessible.

- 4. Strengthen access to humanitarian parole, resettlement, and other regular pathways, as well as U.S. support for strengthening protections provided by other countries in the Americas.**

Many people seek safety at the U.S.-Mexico border because *there are no viable alternatives* to obtain meaningful protection. The prior and current administrations have [punished](#) asylum seekers because they could not seek protection en route to the United States. [Externalization](#) and [offshoring](#) policies have forced ill-equipped countries located along migration routes to process or host people seeking protection in the United States – causing disparate harm to Black, Indigenous, Brown, women and LGBTQ+ asylum seekers. These tactics have, in some cases, forced families to separate in order to allow children to seek protection alone.

The U.S. government must continue to [build regular, equitable pathways and support refugee resettlement in the United States](#), including by [investing](#) in overseas and domestic refugee infrastructure, which allows people to travel to the United States in a safe and orderly way with their cases already determined. While it is critical to expand these pathways, **they should never be considered a replacement for non-discriminatory, robust asylum access at the U.S. border. In addition, the U.S. government needs to:**

- Maintain speed in processing and expand eligibility for refugee resettlement and the legal pathways offered through Safe Mobility Offices (SMOs) in various countries. The administration needs to complete processing of all Obama-era Central American Minors (CAM) Program cases and streamline processing of all pending CAM applications.
- Expand the use of the family reunification parole programs by (i) issuing more invitations to eligible petitioners; (ii) expanding the program to cover applicants from all countries, particularly family members facing significant [delays](#) in visa backlogs; and (iii) including refugee family reunification applicants.
- Double down on support and diplomatic advocacy for refugee reception and protection capacities in other countries, while setting a strong example by upholding asylum at its own borders.

Conclusion

There are a number of smart, practical solutions that can help the United States live up to its ideals in protecting refugees. This requires creative thinking on how to make the most of limited resources, and not exacerbating the challenge by imposing additional counterproductive restrictions and bans on the right to seek asylum.