



## Statement of the Women's Refugee Commission

Submitted to the U.S. House of Representatives Committee on Natural Resources  
Hearing, "Destroying America's Best Idea: Examining the Biden Administration's Use of  
National Park Service Lands for Migrant Camps"

September 27, 2023

The Women's Refugee Commission ("WRC") submits this statement to the House Natural Resources Committee for the September 27, 2023 hearing, "Destroying America's Best Idea: Examining the Biden Administration's Use of National Park Service Lands for Migrant Camps."

WRC is a non-profit organization that advocates for the rights of women, children, and families displaced by conflict and crisis. The Migrant Rights and Justice ("MRJ") Program focuses on the right to seek asylum in the United States and strives to ensure that migrants and refugees, including women and children, are provided with humane reception in transit to and in the United States, given meaningful access to legal protection, and are protected from exposure to gender discrimination or gender-based violence.

Since 1996, MRJ staff have made numerous visits to the southwest border region, including along Mexico's northern border, as well as to immigration detention centers for adult women and families and to shelters housing unaccompanied children throughout the country. WRC has interviewed hundreds of detained women, families, and children seeking asylum in the United States, as well as other critical and relevant stakeholders, including service providers and government officials.<sup>1</sup> Based on the information that we collect on these visits and our analysis

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<sup>1</sup> Reports of our findings include: Women's Refugee Commission, *Welcoming and Supporting People Seeking Asylum: Lessons Learned in New York City and Portland, Maine*, (2023); Women's Refugee Commission, *Decreasing ORR's Dependence on Congregate Care: Four Recommendations for Progress* (2023); Women's Refugee Commission, *New Asylum Ban Leaves Migrants Stranded: Recommendations to Increase Access to Protection at the US-Mexico Border* (2023); Women's Refugee Commission, *Creating Accessible Regional Pathways for Migrant Women and Families: Lessons from the Parole Processes for Cubans, Haitians, Nicaraguans, and Venezuelans* (2023); Women's Refugee Commission, National Immigrant Justice Center, and Young Center for Immigrant Children's Rights, *ICE's New Young Adult Case Management Program: Why It Falls Short of Case Management Best Practices and Puts Youth at Risk* (2023); Women's Refugee Commission, Border Servant Corps, International Rescue Committee, Jewish Family Service of San Diego, Mission: Border Hope, Refugees International, and Save the Children, *Sustainable, Orderly, and Safe Reception at the US-Mexico Border: Recommendations for the Shelter and Services Program* (2023); Women's Refugee Commission, *Inequity at the US-Mexico Border: Ukrainians Seeking Safety and Implications for US Asylum Processing* (2023); Women's Refugee Commission and Instituto para las Mujeres en la Migración A.C., *Stuck in Uncertainty and Exposed to Violence: The Impact of U.S. and Mexican Migration Policies on Women Seeking*

of the laws and policies relating to these issues, we advocate for improvements and make recommendations for changes to U.S. policy and practice. Below we highlight how people can be humanely processed at the U.S.-Mexico border in a timely manner and provide legislative and policy solutions that respond to the needs of people seeking protection in the United States.

## **A humane and timely process for people seeking asylum**

First, it is critical that existing refugee laws are upheld by ensuring that people can request asylum and other protections anywhere along the U.S.-Mexico border and in the United States. Today, the Biden administration's rule, "Circumvention of Lawful Pathways," illegally blocks people from being able to seek asylum—other than through narrow exceptions—despite their guaranteed right under US law to do so regardless of place of entry.<sup>2</sup> A federal court has already found the rule unlawful, but it remains in effect while the Biden administration appeals.<sup>3</sup> People should be able to seek protection not only via CBP One appointments at certain ports of entry but across all ports, regardless of having a scheduled appointment. Many vulnerable people wait weeks or months in Mexico to secure a CBP One appointment, at risk of violent attacks and living in squalid and dangerous conditions.<sup>4</sup> During a recent visit to northern Mexico, WRC spoke with dozens of people seeking asylum and humanitarian service providers who confirmed that kidnappings, extortion, and sexual violence against women is common.<sup>5</sup>

Second, the Department of Homeland Security ("DHS") should minimize the amount of time individuals spend in its custody while background and security checks are conducted. Such screenings should take no more than a few hours but never more than 72 hours, per Customs and Border Protection's ("CBP") own standards.<sup>6</sup> Once processed and released from DHS custody, people in need of humanitarian support should be transported to community-based shelters and

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*Protection in 2021* (2022); Women's Refugee Commission, *Prison For Survivors: The Detention of Women Seeking Asylum in the United States* (2017); Women's Refugee Commission, Lutheran Immigration and Refugee Service, and Kids in Need of Defense, *Betraying Family Values: How Immigration Policy at the United States Border is Separating Families* (2017); Women's Refugee Commission and Lutheran Immigration and Refugee Service, *Locking Up Family Values, Again: A Report on the Renewed Practice of Family Immigration Detention* (2014); Women's Refugee Commission, *Migrant Women and Children at Risk: In Custody in Arizona* (2010); Women's Refugee Commission, *Torn Apart by Immigration Enforcement: Parental Rights and Immigration Detention* (2010); Women's Refugee Commission, *Innocents in Jail: INS Moves Refugee Women From Krome to Turner Guilford Knight Correctional Center* (2001); Women's Refugee Commission, *Behind Locked Doors: Abuse of Refugee Women at the Krome Detention Center* (2000); and Women's Refugee Commission, *Liberty Denied: Women Seeking Asylum Imprisoned in the U.S.* (1997).

<sup>2</sup> Circumvention of Legal Pathways, 88 Fed. Reg. 31,314 (May 11, 2023) (codified at 8 C.F.R. pt. 208, 10003, and 1208).

<sup>3</sup> *East Bay Sanctuary Covenant v. Biden* - Summary Judgment Order (July 25, 2023), <https://www.aclu.org/documents/east-bay-sanctuary-covenant-v-biden-summary-judgment-order>.

<sup>4</sup> Human Rights First, *Refugee Protection Travesty: Biden Asylum Ban Endangers and Punishes At-Risk Asylum Seekers* (July 2023), <https://humanrightsfirst.org/library/refugee-protection-travesty/>.

<sup>5</sup> Women's Refugee Commission, *New Asylum Ban Leaves Migrants Stranded: Recommendations to Increase Access to Protection at the US-Mexico Border* (August 2023), <https://www.womensrefugeecommission.org/research-resources/new-asylum-ban-leaves-migrants-stranded-recommendations-to-increase-access-to-protection-at-the-us-mexico-border/>.

<sup>6</sup> U.S. Customs and Border Protection, *National Standards on Transport, Escort, Detention, and Search* (October 2015), <https://www.cbp.gov/sites/default/files/assets/documents/2020-Feb/cbp-teds-policy-october2015.pdf>.

respite sites. In close coordination with DHS, border shelters provide critical humanitarian services every day to ensure that people are released in an orderly manner and receive the humanitarian, legal, and onward transportation assistance they need.<sup>7</sup>

Third, access to supportive services and a fair, orderly asylum process must be prioritized in destination communities. Best practices include: community-based case management by nonprofit service providers; a transitional housing model with on-site legal, medical, and social services; access to legal counsel or at minimum an initial “pro se” assistance model to support people without lawyers represent themselves in their legal cases; workforce training; and access to affordable childcare so asylum seekers can work and secure permanent housing.<sup>8</sup>

Prompt work authorization is key to ensuring that people applying for protections in the United States can begin contributing to the communities welcoming them and supporting their families. With quicker work authorization processing, people who lack access to initial housing through their community can move out of shelter systems and transition to long-term housing as they pursue their immigration cases. This month, the Biden administration announced processing efficiencies that will reduce hurdles to renewing work permits, speed up the ability to receive them, and lengthen the validity period of work permits for certain populations.<sup>9</sup>

### **Support humanitarian service providers and local governments welcoming migrants**

Every day at the U.S.-Mexico border and across the country, nonprofit organizations and local governments receive newly arrived migrants and provide shelter and respite. Rather than rely on costly and inhumane Immigration and Customs Enforcement (“ICE”) immigration detention—which WRC has documented for years is harmful, traumatizing, and impedes due process—communities coordinate release of individuals and families from CBP custody to their care.<sup>10</sup> At shelters and respite sites, individuals and families receive food, clothing, medical aid, legal

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<sup>7</sup> Women’s Refugee Commission, Border Servant Corps, International Rescue Committee, Jewish Family Service of San Diego, Mission: Border Hope, Refugees International, and Save the Children, *Sustainable, Orderly, and Safe Reception at the US-Mexico Border: Recommendations for the Shelter and Services Program* (2023), <https://www.womensrefugeecommission.org/research-resources/sustainable-orderly-and-safe-reception-at-the-us-mexico-border-recommendations-for-the-shelter-and-services-program/>.

<sup>8</sup> Women’s Refugee Commission, *Welcoming and Supporting People Seeking Asylum: Lessons Learned in New York City and Portland, Maine*, (2023), <https://www.womensrefugeecommission.org/research-resources/welcoming-and-supporting-people-seeking-asylum-lessons-learned-in-new-york-city-and-portland-maine/>.

<sup>9</sup> U.S. Department of Homeland Security, “Fact Sheet: The Biden-Harris Administration Takes New Actions to Increase Border Enforcement and Accelerate Processing for Work Authorizations, While Continuing to Call on Congress to Act,” (September 20, 2023), <https://www.dhs.gov/news/2023/09/20/fact-sheet-biden-harris-administration-takes-new-actions-increase-border>.

<sup>10</sup> Department of Homeland Security, “U.S. Immigration and Customs Enforcement Budget Overview Fiscal Year 2022 Congressional Justification,” [https://www.dhs.gov/sites/default/files/publications/u.s.\\_immigration\\_and\\_customs\\_enforcement.pdf](https://www.dhs.gov/sites/default/files/publications/u.s._immigration_and_customs_enforcement.pdf); Tom Dreisbach, “Government’s own experts found ‘barbaric’ and ‘negligent’ conditions in ICE detention,” *NPR* (August 16, 2023), <https://www.npr.org/2023/08/16/1190767610/ice-detention-immigration-government-inspectors-barbaric-negligent-conditions>; Women’s Refugee Commission, *Prisons for Survivors: The Detention of Women Seeking Asylum in the U.S.* (October 1, 2017), <https://www.womensrefugeecommission.org/research-resources/prison-for-survivors-women-in-us-detention-oct2017/>.

information, and transportation support. Without this critical assistance, CBP facilities would experience overcrowding and migrants would be stranded without their basic humanitarian needs met.<sup>11</sup>

In fiscal year 2023, Congress provided CBP \$800 million for the Shelter and Services Program (“SSP”) to help ensure the efficient, humane, and sustainable reception of newly arrived migrants.<sup>12</sup> Although the initial disbursement lacked transparency and failed to support some service providers, WRC is hopeful that SSP, if funded by Congress again, will improve and better meet the needs of shelter networks to provide critical services.<sup>13</sup> Common-sense legislation like H.R.4309, the ASPIRE Act, would meaningfully improve the current system by increasing funds for the Shelter and Service Program and for U.S. Citizenship and Immigration Services (“USCIS”) to process asylum applications more efficiently and reducing the waiting period asylum seekers must endure before becoming eligible to receive a work permit.<sup>14</sup>

Beyond meeting initial basic humanitarian needs, service providers and local governments are trying to provide migrants longer-term assistance, including transitional housing away from shelter, immigration case support, and community integration.<sup>15</sup> Congress is behind in supporting this more flexible assistance and ensuring that community-based case management and longer-term support can be provided while people seeking asylum wait for much-needed work authorization.<sup>16</sup>

## Recommendations

- Congress should robustly fund the Shelter and Services Program to support local nonprofit, governmental social service organizations, and states/localities in providing

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<sup>11</sup> “Sustainable, Orderly, and Safe Reception at the US-Mexico Border: Recommendations for the Shelter and Services Program,” *Women’s Refugee Commission, Border Servant Corps, International Rescue Committee, Jewish Family Service of San Diego, Mission: Border Hope, Refugees International, and Save the Children* (April 19, 2023), <https://www.womensrefugeecommission.org/research-resources/sustainable-orderly-and-safe-reception-at-the-us-mexico-border-recommendations-for-the-shelter-and-services-program/>.

<sup>12</sup> FEMA, “Shelter and Services Program,” (August 21, 2023), <https://www.fema.gov/grants/shelter-services-program>.

<sup>13</sup> “WRC Joins 70+ Organizations Expressing Concern Over Disregard for Key Shelter Needs in Initial Distribution of Shelter and Services Program Funding,” (July 12, 2023), <https://www.womensrefugeecommission.org/research-resources/wrc-joins-70-organizations-expressing-concern-over-disregard-for-key-shelter-needs-in-initial-distribution-of-shelter-and-services-program-funding/>.

<sup>14</sup> “Gillibrand, Merkley, Torres Introduce Legislation To Give Asylum Seekers A Pathway To Safe And Legal Work,” (June 23, 2023), <https://www.gillibrand.senate.gov/news/press/release/gillibrand-merkley-torres-introduce-legislation-to-give-asylum-seekers-a-pathway-to-safe-and-legal-work/>.

<sup>15</sup> Women’s Refugee Commission, *Welcoming and Supporting People Seeking Asylum: Lessons Learned in New York City and Portland, Maine*, (2023), <https://www.womensrefugeecommission.org/research-resources/welcoming-and-supporting-people-seeking-asylum-lessons-learned-in-new-york-city-and-portland-maine/>.

<sup>16</sup> “Congresswoman Pingree Renews Push to Speed Up Asylum Seeker Work Authorization Process,” (March 1, 2023), <https://pingree.house.gov/news/documentsingle.aspx?DocumentID=4501>.

humanitarian support to migrants arriving at the border, and conduct oversight to ensure that the funding is being transparently and appropriately administered.

- Instead of ICE immigration detention or electronic surveillance programs, Congress should fund longer-term services outside of ICE for people seeking asylum to help meet their humanitarian needs, assist them in successfully navigating the immigration process, and support them in accessing services and finding stability in their new communities.
- Congress should urge the Biden administration and relevant agencies to work with the Government of Mexico to increase aid for shelter, basic sanitation, and Wi-Fi access and signal at migrant-serving shelters and respite sites.
- Congress should urge DHS to increase CBP's port capacity to process people seeking asylum, including increasing daily CBP One appointments and facilitating greater access to asylum for those who present without appointments.
- In addition to upholding the right to seek asylum, Congress should provide funding for increased resettlement globally and regionally and urge the Biden administration to expand and improve its parole initiatives.<sup>17</sup>
- Congress should urge DHS to capitalize on its available legal tools, including expanding TPS and Deferred Enforced Departure ("DED") designations for people seeking protection after fleeing countries such as Nicaragua, South Sudan, and Cameroon.
- Congress should reject all attempts to codify policies that ban, block, or turn away people seeking protection without providing them meaningful, safe, and fair opportunities to present their cases in compliance with U.S. and international refugee laws.

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<sup>17</sup> See also: Women's Refugee Commission, *Creating Accessible Regional Pathways for Migrant Women and Families: Lessons from the Parole Processes for Cubans, Haitians, Nicaraguans, and Venezuelans* (2023), <https://www.womensrefugeecommission.org/wp-content/uploads/2023/06/Creating-Accessible-Regional-Pathways-Policy-Brief.pdf>.