

The Biden Administration Falls Short on Asylum During Year One: A Call for Change in 2022

Before he was elected, candidate Joe Biden promised as president to [welcome immigrants](#) and reassert the United States' commitment to people seeking asylum and refugees. One year into his administration, most individuals arriving at the US-Mexico border to seek protection remain trapped in dangerous cities in northern Mexico or are summarily expelled to their home countries without any chance to ask for asylum; more than 1,000 children ripped apart from their parents by the Trump administration [remain separated](#) and the administration has reversed its pledge for redress; and there are now [more immigrants in detention facilities](#) amid rapid COVID-19 spread than when President Biden took office.

The Women's Refugee Commission (WRC) calls on the Biden administration to fulfill its promises. Across the world, [more people than ever are displaced](#) from or fleeing their homes due to war, climate disaster, domestic and gang violence, or other crises. It is critical that the United States restore access to asylum, uphold US and international refugee and asylum law, and live up to its ideals of global humanitarian leadership.

In 2022, the Biden administration must act with urgency to restore the US asylum system and ensure that people fleeing for their lives can exercise their lawful right to seek protection.

These are WRC's top priorities for the Biden administration to protect migrants seeking protection in 2022

Restore the right to seek asylum and safety at the US-Mexico border, without externalizing US borders

"We cannot mobilize other countries to meet their humanitarian obligations if we are not ourselves upholding our cherished democratic values..." – [President Biden](#), December 2019

In 2021, most migrants arriving at the US-Mexico border were turned away or summarily expelled, and ports of entry remained closed to asylum seekers. While the Biden administration [allowed more than 13,000 individuals to continue their asylum cases](#) in the United States after being previously subject to the [intolerable and cruel Remain in Mexico \(RMX\) policy](#), it later not only restarted (pursuant to a court order) but expanded a version of this program in San Diego, California, and El Paso, Texas, with [plans to expand it across the border](#) in 2022. Today, non-Mexican individuals from any country in the Western Hemisphere are potentially subject to RMX. In addition, people have been [summarily blocked and expelled](#) and often repeatedly denied any chance to seek protection more than 885,000 times since President Biden took office, including 125,000 expulsions of parents and children. This [unlawful mass expulsion policy](#), known as Title 42, was engineered under the Trump administration but intentionally continued by the Biden administration, and has resulted in [more than 8,700 reports of violent attacks](#) suffered by people expelled to dangerous conditions. **WRC urges the Biden administration to reverse its expansion of the RMX policy; end expulsions under Title 42; and ensure that individuals can apply for asylum at the US-Mexico border, including at ports of entry.**

The Biden administration rightly granted [Temporary Protected Status](#) (TPS) for 18 months to Haitian nationals already living in the US due to security concerns, social unrest, and crippling poverty in Haiti. Yet TPS is no substitute for the right to seek asylum at the border. Shockingly, despite a 7.2 magnitude earthquake devastating Haiti and the assassination of its president, more than 13,500 people have been expelled to Haiti since September 2021—[26 percent of whom are women and 19 percent of whom are children](#). Additionally, the DHS inspector general [declined to investigate US Border Patrol agents](#) on horseback who forcibly dispersed Haitian migrants in Del Rio, Texas, referring the incident to the DHS Office of Professional Responsibility.

Simultaneously, the Biden administration is reportedly proposing agreements with countries like Mexico to [force migrants to seek protection elsewhere](#) before applying for asylum in the United States. The administration also [encouraged Mexico to step up its enforcement efforts](#) and implement [travel restrictions](#) to prevent individuals seeking protection from reaching the US southern border. These actions suggest that the Biden administration is [not committed to meaningful and comprehensive regional strategies and dialogues](#) that prioritize [humane migration](#) and access to protection, despite claiming otherwise.

Presidential candidate Biden also committed to treating children arriving at the southern border with compassion. Despite initial backups of children waiting to be screened and processed in border custody, the Biden administration has allowed unaccompanied children into the United States and worked to ensure that they are transferred out of Customs and Border Protection (CBP) custody within 72 hours, as required by law. However, new temporary, unlicensed, and large facilities were set up to handle a rapid increase in arrivals, resulting in poor conditions and several [whistleblower complaints](#) about inexperienced staff and even sexual harassment of children. To ensure that unaccompanied children are safe and quickly released from government custody, the Biden administration must prioritize investments in licensed, permanent community-based shelters.

WRC urges the Biden administration to rebuild an orderly, humane, and fair asylum system, including by ensuring that individuals can seek protection anywhere at the US-Mexico border without exceptions. WRC welcomed the Department of Homeland Security's (DHS) steps to end "metering," a policy that artificially limited the number of people who can exercise their [right to apply for asylum at a port of entry](#). However, such a change is nearly meaningless if Title 42 stays in place and ports of entry remain closed to people seeking protection. The Biden administration must end other harmful and illegal policies like Remain in Mexico and Title 42 once and for all.

Provide redress to families that were separated and ensure that all are reunited

"If, in fact, because of the outrageous behavior of the last administration, you coming [sic] across the border, whether it was legally or illegally, and you lost your child — You lost your child. It's gone — you deserve some kind of compensation, no matter what the circumstance." — [President Biden](#), November 2021

The Biden administration's Task Force to reunify families has reunified more than 100 children who were separated from their parents under the Trump administration. Overall, [2,248 reunifications have occurred](#), including through litigation efforts and with the help of nonprofit organizations. The Task Force has found 231 additional families that are potentially eligible for support through its website [Together.gov/Juntos.gov](#). **WRC strongly supports [long-term stability in the United States](#) for affected families, including by permanent immigration status**

and access to medical and mental health services. It is also essential that the government ensure such separations or other forms of family separation never occur again, or that when separations happen, families can immediately find and reunite with one another.

Presidential candidate Biden committed to ending "[cruel and senseless](#)" policies that separate parents from their children at the southern border and reuniting those who remain separated. As president, he reasserted that separated families "[deserve some kind of compensation,](#)" but the Department of Justice is currently arguing in federal court that families are not entitled to redress and that their [cases should be dropped](#). This hypocritical effort betrays this commitment by the president. It also betrays the families that Secretary of Homeland Security Alejandro Mayorkas directly [vowed to support](#) when they met last August.

Move away from immigration detention and invest in community-based services

"Children should be released from ICE detention with their parents immediately. This is pretty simple, and I can't believe I have to say it: Families belong together." – [President Biden](#), June 2021

Presidential candidate Biden asserted that "[\[n\]o business should profit from the suffering of desperate people fleeing violence,](#)" yet the number of people now [detained in Immigration and Customs Enforcement \(ICE\) centers](#) has increased by more than 55 percent—the majority of whom are held in prison-like facilities run by for-profit corporations. The administration's budget request for fiscal year 2022 also requested enough [funding to detain 30,000 immigrants each day](#).

Detained individuals are already often deprived of basic medical care and services. Now, as [COVID-19 infection rates continue to soar inside ICE detention centers](#), the necessity to release individuals is only more critical. As of January 17, 2022, more than 22,000 people are detained and 2,067 people have contracted COVID-19, a [520 percent increase in cases](#) since January 3, 2022. Two years into the pandemic, people remain needlessly detained in a high-risk environment for the spread of COVID-19, when they could instead be released and supported in the community as they navigate their immigration case. Reports have found that people cannot effectively socially distance inside detention facilities, and [ICE often fails to provide protective equipment](#) like masks or release medically vulnerable people. Given that 11 people infected with COVID-19 have already [died in ICE custody](#), it is critical that the Biden administration prioritize release and implement evidence-based [community support](#) for individuals navigating the immigration system.

After years of advocacy pushing for the end of family detention, WRC was encouraged to see that the United States had [zero families held in ICE detention facilities](#) at the end of 2021. But that does not change the risks faced by the thousands of adults still detained in ICE custody. **WRC urges the Biden administration to publicly and formally end family detention; move away from [psychologically and physically invasive electronic monitoring](#) of families; and prioritize legal representation and community-based services.**

2022 is a critical year of opportunity

As noted, the Biden administration took meaningful and critical steps forward in its first year, including by vacating critical Trump-era legal decisions that had [gutted protections for women](#) fleeing gender-based violence and others. Still, the Biden administration spent much of its first

year perpetuating key Trump administration anti-asylum policies. WRC is deeply concerned at the normalization of practices and policies that fundamentally undermine access to asylum and protection. The Biden administration must restore a respect for and uphold human rights and US refugee laws. Together with Congress, the Biden administration can meet its commitment to create a fair and dignified immigration system. WRC looks forward to seeing these promises fulfilled.

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