

Three Immediate Steps for the Biden Administration to Reform Asylum at the U.S.-Mexico Border



1

ENSURE SAFE RECEPTION OF PEOPLE SEEKING ASYLUM AT THE BORDER



The U.S. should not:

- Force people seeking asylum in the United States to wait in danger in Mexico or expel them to a country where they face persecution or torture
- Hold asylum seekers for prolonged periods in overcrowded and unsafe facilities used for initial border processing
- Tolerate abuse and mistreatment by U.S. immigration officials of people seeking refuge in the United States
- Use fundamentally flawed “expedited removal” or other rapid processes that lack due process and deport asylum seekers without full hearings
- Make critical screening or full asylum decisions while people are held in border or other detention facilities
- Block access to legal information or in-person assistance in U.S. custody
- Separate families or use policies that result in family separation
- Prosecute people—whether in federal or state court—while seeking safety in the U.S.

Important safeguards, including access to counsel, **have not** mitigated the risks and harms of expedited processes

A better approach would:

- Uphold existing refugee laws by ensuring people seeking safety can request asylum and other protection anywhere along the U.S. border, including ports of entry
- Minimize time in government custody while background and security checks are conducted
- Dedicate sufficient trained border officials for initial humanitarian processing, such as collecting basic information about identity
- Guarantee access to appropriate language interpretation during processing
- Employ state-licensed child welfare workers to protect children in custody at the border
- Ensure family unity
- Facilitate in-person attorney access in any border processing and detention facilities
- Guarantee meaningful external and internal oversight of border facilities and processes

This should take no more than a few hours but never more than 72 hours

2

PROVIDE DIGNIFIED RECEPTION AND LEGAL INFORMATION AT BORDER SHELTER NETWORKS



The U.S. should not:

- Fail to coordinate release of people seeking asylum with local humanitarian and legal service providers
- Allow U.S. officials to abandon people seeking protection, including in remote locations and/or late at night
- Send people seeking refuge to jails and detention centers
- Subject people to prolonged detention exceeding a few days, or any detention that is disproportionate and arbitrary
- Create barriers and interfere with access to legal counsel

A better approach would:

- Coordinate swift, safe release and transportation of people seeking protection from border custody to community-based border shelters or respite centers
- Provide clear instructions to asylum seekers about the requirements of the asylum process in the language they best understand
- Ensure adequate funding for border shelter and reception as well as case support by community-based organizations, as described below
- Fund and coordinate support to community-based nonprofits that receive people seeking safety

Unaccompanied immigrant children should be transferred to the custody of the Office of Refugee Resettlement **within no more than 72 hours**, as required by law, and provided appropriate services.

3

ESTABLISH ACCESS TO SUPPORTIVE SERVICES AND A FAIR, ORDERLY ASYLUM PROCESS IN DESTINATION COMMUNITIES



The U.S. should not:

- Engage in blanket use of ankle monitors and other electronic surveillance that are enforcement-oriented “alternatives to detention”
- Rush immigration processes, including imposing arbitrary deadlines that lead to mistaken decisions and inefficiency
- Fail to guarantee legal counsel
- Undermine basic due process to rush adjudications

A better approach would:

- Ensure and fund holistic case management by experienced community-based nonprofit service providers
- Fund legal counsel for people who cannot afford it
- Promptly issue work authorization so people seeking asylum can support themselves
- Utilize trauma-informed practices during asylum interviews with trained U.S. Citizenship and Immigration Services (USCIS) asylum officers outside of expedited removal processes
- Guarantee crucial due process protections, including full immigration court review of cases referred by the asylum office