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.

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

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

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
• Guarantee crucial due process protections, including full immigration court review of cases referred by the asylum office

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

For more information email WRcommission.org and/or HRF@westendstrategy.com