



Faith-Based Border Policy Recommendations

June 2019

As faith-based organizations, we believe that our moral standing as a society can be measured by our actions toward those most vulnerable among us. This is the standard we apply to the administration's actions toward those newly arriving at the U.S./Mexico border as well as toward our migrant sisters and brothers around the country.

Because the administration's actions are, in many ways, worsening the humanitarian situation at the border, people of faith and faith-based organizations are stepping into this void by providing accompaniment, direct services, legal services, and humanitarian aid to vulnerable migrants.

The administration's deterrence and enforcement-only strategy is having chaotic and devastating impacts on arriving asylum seekers and is, in many ways, actually fueling the very migration it seeks to reduce. We call on the administration and Congress to enact a humane, efficient, consistent, and just system that will uphold the dignity of all. We urge policymakers to follow the example of people of faith and faith-based organizations that have consistently welcomed and supported those arriving at the border by putting into place the below recommendations:

1. **The United States should address the root causes of forced migration and displacement.** For example, the U.S. government should:
 - a. Increase support for effective programs that strengthen justice systems, spur economic opportunities, and safeguard communities from climate displacement, so that people do not need to flee in search of safety or survival.
 - b. Use principled and strong diplomacy to urge governments to address rampant corruption and spur improvements in protecting human rights and strengthening rule of law. This should include enforcing human rights and anti-corruption conditions on aid as well as levying sanctions on corrupt officials.
 - c. Ensure that U.S. foreign assistance does not go towards supporting human rights violators, increasing militarization, or otherwise exacerbating the existing push factors which drive people to leave their homes.
2. **The United States should improve and expand access to refugee protections in the United States.** For example, the U.S. government should:
 - a. Restore the original Central American Minors (CAM) program that offered a chance for children to find safety in the United States and reunify with a parent—without undermining access to asylum in the United States or at a U.S. border.
 - b. Increase refugee resettlement to provide Central American refugees with much-needed alternatives to making the long journey north to claim asylum at the U.S./Mexico border.
 - c. Strengthen Mexico's refugee system by providing assistance to international and civil society organizations, such as UNHCR, in order to strengthen Mexico's capacity to process asylum claims.
 - d. Invest in critical U.S. programs that aid unaccompanied children by fully funding the Department of Health and Human Services (HHS) Office of Refugee Resettlement (ORR) to ensure that the agency can provide the full continuum of care and community-based services, as well as to reunify children with their family members, from whom they were separated, and sponsors, for all populations in its care.



3. **The United States should uphold, not restrict, access to asylum in a manner that offers a genuine humanitarian response and upholds U.S. and international law.** For example, the U.S. government should:
 - a. Uphold and enforce U.S. asylum law by expeditiously welcoming and processing all asylum seekers at—and between—ports of entry.
 - b. End the Remain in Mexico (“Migration Protection Protocols”) and “metering” policies that push people to cross between ports of entry and put the lives of asylum seekers at risk as they wait in what are often dangerous situations in Mexico.
 - c. Reverse efforts to prevent asylum seekers from receiving U.S. protection—including Department of Justice rulings that would deny protection to women who have fled domestic violence and families escaping gang violence, as well as deny bond hearings to asylum seekers who entered between ports of entry.
 - d. Resist proposals to remove protections for vulnerable children provided by the *Trafficking Victims Protection Reauthorization Act (TVPRA)* and the *Flores Settlement Agreement*. Allowing unaccompanied children to be deported more quickly risks returning them to the very violence and exploitation they fled. Undermining the *Flores* agreement would wrongfully expand family and child detention in jail-like conditions.
 - e. Reject policies that charge a fee to people seeking safety from violence and persecution and severely restrict asylum seekers’ ability to work.
 - f. Ensure only asylum officers conduct credible fear interviews (CFIs) and that they receive the proper training and support to best uphold access to asylum protections. This includes the necessary translation services available for CFIs.
4. **The United States should prioritize real humanitarian support for asylum seekers, immigrants, and other vulnerable populations.** For example, the U.S. government should:
 - a. Invest in legal representation initiatives to ensure all asylum seekers have the resources they need to meaningfully seek protection at the earliest stages of the process.
 - b. Institute universal Legal Orientation Programs (LOPs) — including for families released from DHS/Customs and Border Protection (CBP) custody — to explain appearance obligations, the legal system, and how to secure counsel. Such programs have been proven to [increase court appearance rates](#).
 - c. Improve partnerships with and increase resources for non-governmental organizations (NGOs) and service providers to ensure a robust humanitarian response. This includes providing DHS with grant-making authority to financially support service providers during periods of influx and ensuring NGOs can provide the necessary humanitarian support, shelter, and services to vulnerable migrants without fear of or retaliation and harassment from CBP or ICE officials.
 - d. Invest in meaningful humanitarian assistance, such as providing consumables - like diapers and food, and state-licensed child welfare professional for CBP facilities - specially trained in the screening and care of children’s needs, with clear restrictions that such funds cannot be reprogrammed for another purpose.
5. **The United States should ensure humane, just, and orderly treatment of all asylum seekers, migrants, and people seeking safety.** For example, the U.S. government should:
 - a. Improve the current processing system to ensure efficiency and thoroughness.



- i. Allow legal service providers access to all CBP facilities in order to administer Legal Orientation Programs/Know Your Rights presentations and properly represent clients.
 - ii. Allow humanitarian service providers access to processing centers to coordinate travel and family reunification for asylum seekers.
 - iii. Ensure all people are processed and released with the correct and full documentation and full knowledge of the next steps of their claim.
 - iv. Establish orderly and humane release procedures between DHS and local NGOs by providing ample, regular notice before releases and ensuring safe release conditions.
- b. Ensure any DHS-operated short-term processing facility adheres to strict standards in order to maintain the health, safety, and wellbeing of all migrants in DHS custody.
- i. The introduction of any processing facility should be accompanied by a phase out of the 'metering' policy at all surrounding ports of entry.
 - ii. An appropriate number of licensed child welfare professionals, medical professionals, and interpreters must be on site to provide screenings and services.
 - iii. Any new or existing facility must be available for public inspection prior to opening and be regularly inspected by third party observers throughout operation.
 - iv. DHS must publicly announce the closure or modification of any existing facilities prior to any government action.
 - v. CBP must not exceed the custody time limits established in agency standards. Current and additional processing centers must not function as additional child/family detention centers.
 - vi. All processing centers must be fully equipped with potable water, appropriate food, separate and enclosed bathrooms/showers, and individual beds/cots. They must also provide timely medical screenings conducted by licensed medical care providers.
 - vii. DHS must make publicly available regular reports on the number of processing centers in operation, the population size in each center, and the average length of stay in each center in addition to the average length of stay in all Border Patrol short-term detention facilities.
- c. Invest in upgrades to ports of entry along the border that would provide additional scanning technology to better facilitate cross-border movement of people and goods.
- d. Adequately staff ports of entry to maintain efficient cross-border travel and require robust training for CBP officers to properly and efficiently process migrants at ports of entry.
- e. Prioritize non-restrictive, community-based alternatives to detention and case management programs, which support court appearance and compliance. For example, DHS should fully restore the Family Case Management Program (FCMP), which helps families navigate the legal system outside of restrictive custody. This casework should be operated by a non-profit entity.
- f. End family detention and reduce reliance on immigrant detention. Family detention should end immediately and resources should be diverted into humane solutions for asylum seekers and other vulnerable populations who risk detention. Children should never be incarcerated indefinitely, nor needlessly separated from a parent.



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- g. Rescind the April 2018 Memorandum of Agreement (MOA) between DHS and the Department of Health and Human Services (HHS) which requires HHS to share the immigration status of potential sponsors for UACs with DHS, leading the population of UACs in shelters to increase significantly as sponsors fear coming forward.
- h. End criminal prosecution of migration-related offenses. Criminal prosecutions for migration-related offenses such as unlawful entry, 8 U.S.C. §1325, and reentry, 8 U.S.C. §1326, have skyrocketed over the past decade and made us less safe by diverting resources from real threats. These prosecutions have overwhelmed federal courts, especially at the southwest border, with no convincing evidence that such prosecutions serve as a deterrent to unlawful migration—their actual policy goal. [In 2016, more than half of all federal prosecutions were for immigration-related offenses.](#)