



A Better Way Forward

*A New Approach to
Regional Migration and
Border Security*

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The American immigration system is fundamentally broken.

American citizens are denied reunions with their foreign-born family members because of an immigration backlog topping five million people.¹ Undocumented immigrants continue to live, work, and pay taxes² in American communities, while Congress has failed for three decades to allow them to apply for citizenship. At the same time, companies struggle to hire and retain workers from a pool of employment visas that has not increased since 1990.³ Competitors in the global economy recruit talented immigrants away from the United States because there are too few options for them to stay here.⁴

The consequences of these failures are profound and widespread, impacting immigrants, American families, workers, and businesses.

Due to unprecedented levels of global displacement, our existing laws and policy interventions have proven incapable of managing the consistent upward trend in unauthorized migration to our southern border for the past decade.⁵ Meanwhile, human smuggling networks have modernized their efforts, utilized technology to commercialize unauthorized migration, and rapidly expanded their profits and operations. **Our immigration laws have failed to keep up.**⁶

Rethinking our nation's response to unauthorized migration does not negate the need to reform other pieces of the immigration system. However, changing our approach to border policy is a necessary step, as policymakers must rebuild public trust and unlock the political space to address other pressing immigration issues, such as creating a path to citizenship for the longtime undocumented.⁷ For decades, the complexity of our immigration challenges has been collapsed into a contentious national debate on border policy. Yet neither party has put forward a sustainable set of reforms to secure the border, process and remove unauthorized migrants in a fair and orderly manner, or mitigate the challenges our immigration policies create for communities that receive migrants.

This white paper explains the state of the prolonged border crisis, analyzes the lack of fair and orderly processes for migrants and refugees outside of the United States Refugee Admissions Program (USRAP), lays out how we can learn from past attempts to address the crisis, and provides an answer to how we can reduce irregular migration⁸ through a pro-active, comprehensive approach. **In order to reduce irregular migration at the southern border, policymakers in Congress and the executive branch must:**

- 1 Reduce Irregular Cross-Border Movement in the Region**
- 2 Expand Access to Humanitarian and Labor Pathways Closer to Countries of Origin**
- 3 Increase Legal Pathways to the U.S.**
- 4 Strengthen Border Security by Modernizing Border Infrastructure**
- 5 Reform the U.S. Asylum System**
- 6 Develop a Federal Reception Process for Asylum Seekers**

We must widen the aperture of the current policy debate, learn from the past decade of policies that failed to manage mass migration, and build political support for a more effective set of solutions.

Why a New Border Framework is Needed

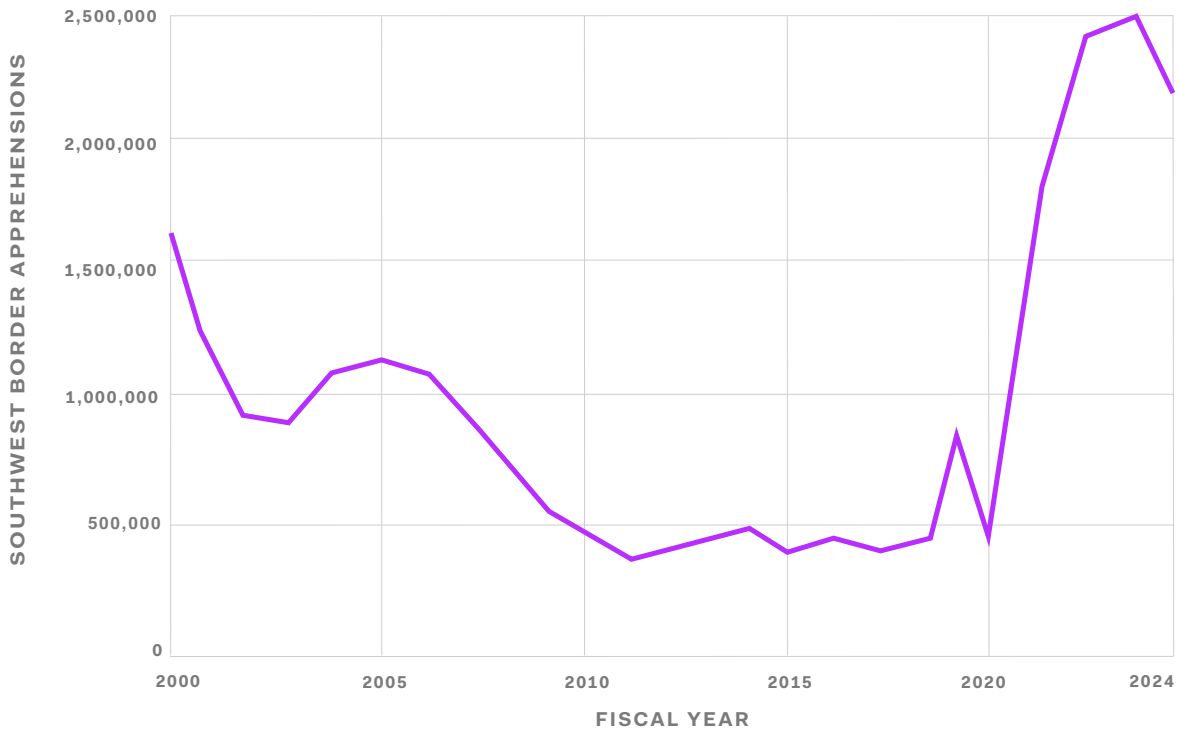
Without Addressing Unauthorized Migration, Broader Immigration Reform Efforts will Fail

Creating a policy framework that focuses exclusively on addressing the challenge of unauthorized migration at the border, separate and independent from other immigration reform needs, is necessary for three reasons:

First, the American public has lost trust⁹ in the U.S. government’s ability to manage irregular migration at our southern border. Three successive presidents have struggled to respond to upward trends in irregular migration since 2014,¹⁰ and Congress has failed to align around bipartisan legislation to address it.¹¹ Reestablishing trust on border issues is a necessary political threshold for addressing wider immigration challenges.¹²

The U.S. Government Has Struggled to Manage Irregular Migration

Annual southwest border apprehensions between 2000 and 2024



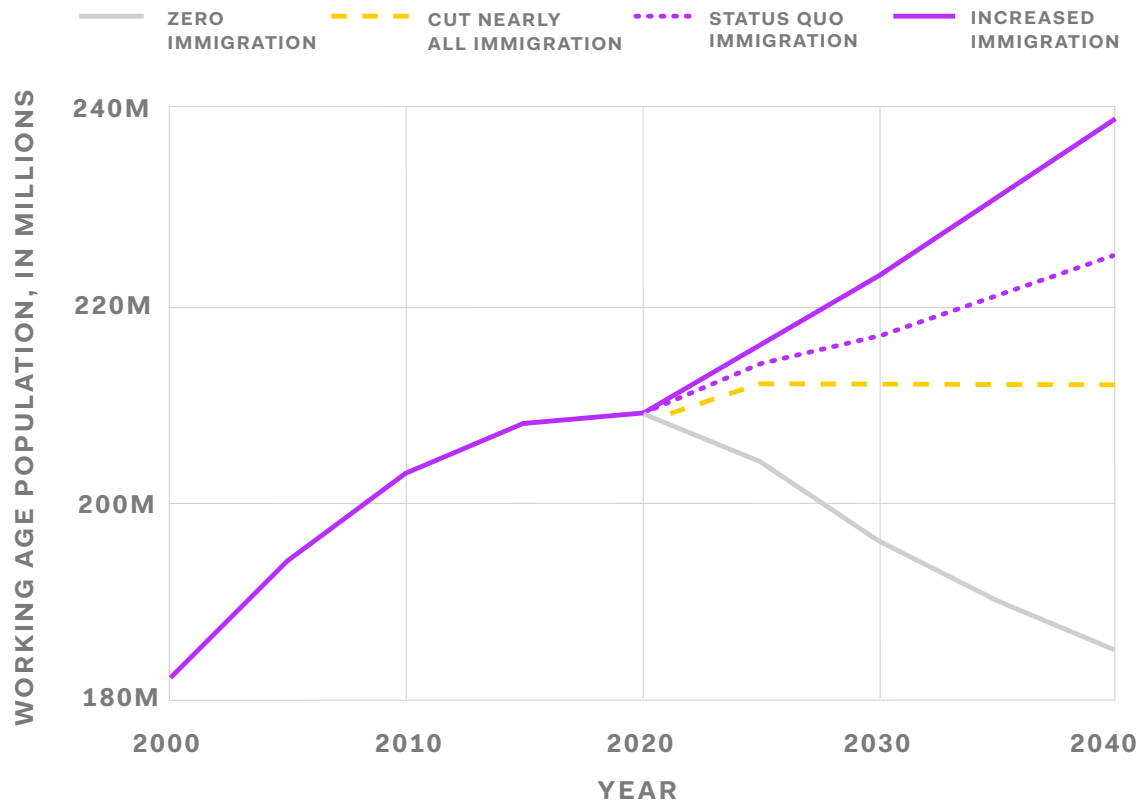
Source: U.S. Customs and Border Protection, “Southwest Border Migration,” <https://www.cbp.gov/newsroom/stats/sw-border-migration> and U.S. Customs and Border Protection, “Nationwide Encounters,” <https://www.cbp.gov/newsroom/stats/nationwide-encounters>.

Note: In March FY2020 CBP began reporting both Title 8 Apprehensions and Title 42 Expulsions together as “Encounters”

Second, the United States is showing early signs of population decline, with several years of labor shortages coming out of the pandemic and a likely continued lack of labor in the decades ahead.¹³ Like many nations with aging populations, the U.S. stands to benefit greatly from the desire of migrants seeking opportunity here. Indeed, the health of the American economy depends on it. Demographic assessments have established that without immigration, our working-age population will continue to shrink.¹⁴

The U.S. Working-age Population is Growing Only With Immigration

Projected U.S. working-age population in millions, by immigration level



Source: George Mason University projections.
 Note: Ages 16-64. See Methodology for more details on immigration scenarios.

Our lack of a modernized legal regime to manage an increase in irregular migration has made it impossible for the United States to harness the benefits of increased immigration levels. As an example, the surge of unauthorized migration following the pandemic played a critical and positive role in the country’s economic recovery.¹⁵ At the same time, the operational chaos of processing millions of people at the southern border had enormous consequences for domestic politics and created new tensions between new arrivals and longtime immigrant communities.¹⁶

The percentage of Americans who want to decrease immigration to the United States is at the highest level since the September 11, 2001 attacks.¹⁷ Crafting solutions to reduce unauthorized migration by creating new legal channels for future migrants and modernizing asylum processing will give the United States the ability to harness the economic benefits of migration without the accompanying

political backlash. Expanding legal immigration pathways and matching new arrivals with communities unable to fill critical jobs will give policymakers greater control in ensuring that future increases in migration do not displace or negatively impact American-born workers. Third, we have a significant national security interest in transforming the way we respond to irregular migration.

Globally, migration is weaponized by authoritarian governments through tactics such as transporting large groups of migrants to another nation's border or to specific communities to sow disarray.¹⁸ Our inability to manage the processing of migrants at our borders makes the United States uniquely vulnerable to similar tactics. The conflicting response to migrants at our southern border, such as mass expulsions¹⁹ of some nationalities and rapid processing²⁰ for others, communicates to foreign adversaries that our border challenges can trigger broader domestic crises and deep interethnic and interracial tensions. Regional governments have recognized their ability to set off even more irregular migration by refusing to accept removal flights indefinitely or permitting visa-free travel to their countries with the explicit intent of increasing unauthorized migration to the U.S.-Mexico border.²¹

We have a significant national security interest in transforming the way we respond to unauthorized migration.

A similar threat to our foreign policy interests occurs when the United States depends too heavily on other countries for migration management, as recent trends show that countries can extract significant concessions in exchange for increasing arrests and removals of migrants without humanitarian screenings.²² The best way to counteract state actors that seek to exploit migrants to undermine U.S. national interests and sow domestic political discord is to remove their ability to cause chaos at our southern border. This can be achieved by building diverse legal pathways to the U.S., modernizing the asylum system, increasing the security of border operations, and improving the federal reception of new arrivals. By embracing fair and orderly immigration processes, the United States will be in a better position to encourage countries throughout the region to implement best practices, share the economic benefits of orderly migration, and decrease the political stigmatization of migrants.

The U.S. Needs a Proactive, Not Reactive, Approach

By the time someone makes the choice to migrate irregularly to the United States, the government has already missed multiple opportunities to help them avoid a dangerous and life-threatening journey. To take advantage of these opportunities, the U.S. needs a new legal regime that does not merely react once people have reached the border, but instead addresses the forces and processes that draw people to the border in the first place.

The U.S. government has largely ceded border and asylum policy to smuggling networks,²³ allowing them to overwhelm existing structures and dictate where, when, and how people arrive. In the past decade, smuggling networks have rapidly expanded and profited by facilitating the movement of vulnerable people with no regard for whether families or individuals have strong legal claims for humanitarian protections.²⁴ They have significantly benefited from inconsistent immigration enforcement across the southern border,²⁵ learning when and where consequences might be applied and directing migrants to more dangerous and remote areas. For migrants, the perils of this journey are well-documented,

including sexual violence, kidnapping, and death. The International Organization of Migration (IOM) has named the U.S.-Mexico border the world's deadliest land migration route²⁶; still, hundreds of thousands of people make this journey every month. In fiscal year 2023, two million people took this risk.²⁷

Neither political party has fully embraced policy interventions that could fundamentally change the current trend of irregular migration to the U.S. or bring about a more orderly system at the border. The fraught politics around immigration have made it all but impossible to do so.²⁸ If either political party hopes to truly secure the southern border, a new approach is necessary.

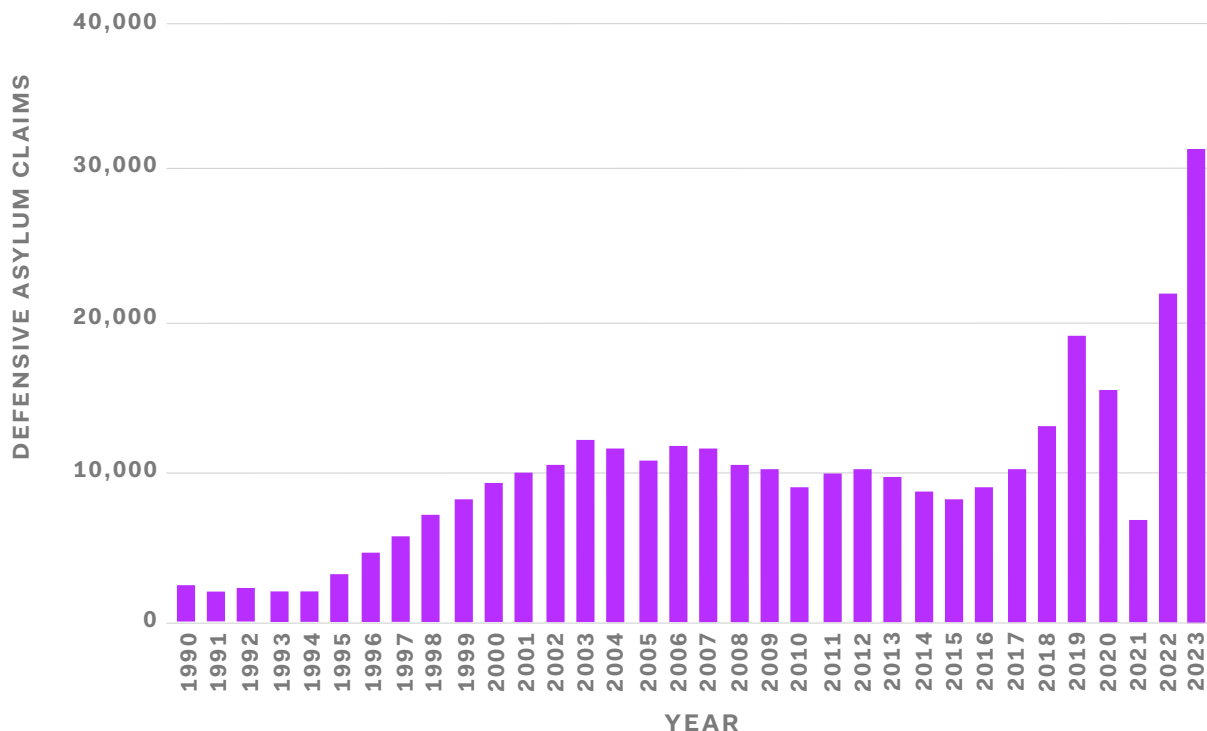
Why Past Approaches Have Failed

Our Current Asylum System Was Not Built to Scale

The border crisis is worsened by an overwhelmed defensive asylum system. The current situation at the southern border largely works as follows: While migrants leaving their countries of origin are motivated by myriad factors, the most guaranteed route to be admitted and remain in the United States for the past ten years has been through the asylum system at the southern border. Under current immigration law, once a migrant is apprehended by Border Patrol, they can claim a fear of being returned. If that fear is found to be credible, they are placed in immigration removal proceedings, where they have one year to file an asylum claim as a defense to their removal. This process, known as defensive asylum, has been increasingly utilized by migrants seeking not only humanitarian protection, but also employment and family reunification.²⁹

An Overwhelmed Defensive Asylum System

Defensive asylum claims filed from 1990 to 2023



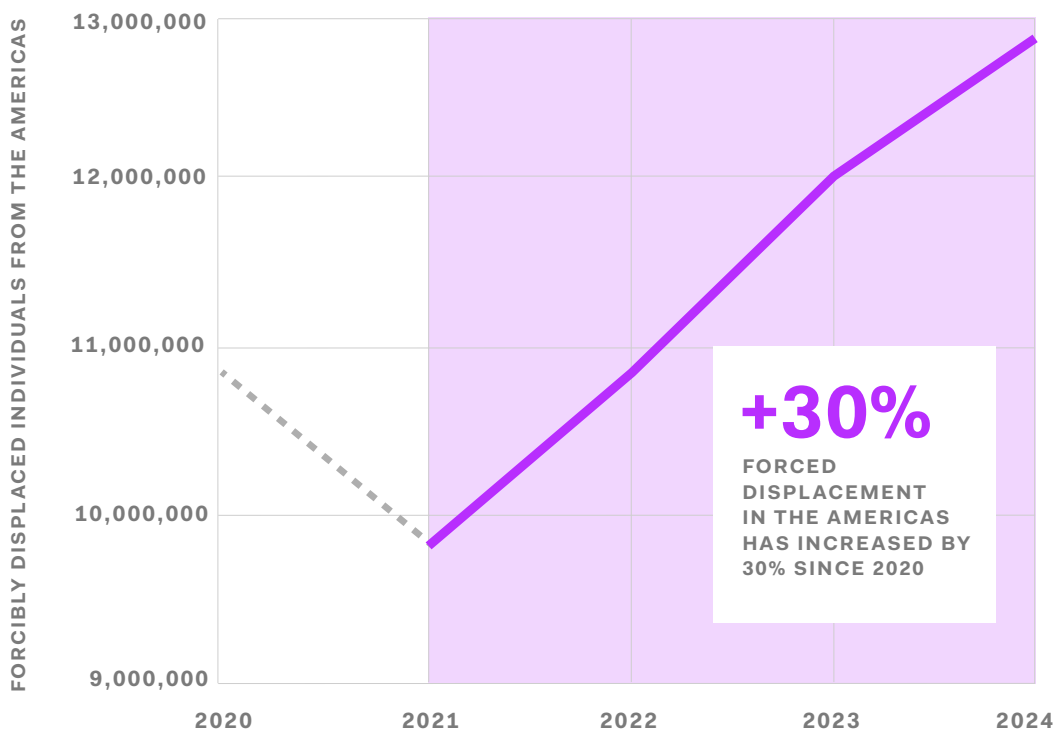
Source: Office of Homeland Security Statistics. <https://ohss.dhs.gov/topics/immigration/yearbook-immigration-statistics/yearbook-2023#tables-16-19-asylees>

Our border policies were crafted to deter irregular migration from Mexico.³⁰ Beginning in 2014, however, families from Central America, displaced after years of political turmoil, U.S. intervention, and natural disasters, began making asylum claims in significant numbers.³¹ The original design of the asylum system was ill-equipped to respond to this new migration trend. This increasingly vulnerable population required new border policies, different facilities, increased processing time, and more resources from communities that received them.³² As more asylum seekers were placed in immigration removal proceedings, the immigration court backlog grew, extending the time asylum seekers were able to work and live in the United States before their cases were resolved.³³ As the length of a case extended to multiple years, migrants and refugees were also traveling to our border in increasing numbers, adding to the population of people living in legal limbo, unsure of whether they would be able to stay and build a life in the United States or have to return to their countries of origin.

Part of the reason for the increased number of people seeking asylum is that migrants have no viable legal pathways to avoid embarking on the dangerous journey to the border. Additionally, conditions throughout the Americas have led to a record 25 million people being forcibly displaced by political, economic, and environmental conditions.³⁴ With almost no alternatives to the asylum system, migrants now use it for multiple immigration purposes. But our asylum system was simply not designed to adjudicate hundreds of thousands of claims every month, much less manage the timely and fair removal of people who are not eligible. Rather than being the source of irregular migration at the border, our overburdened asylum system is a consequence of the lack of an integrated approach to managing migration throughout the region.³⁵ The asylum system has absorbed the pressure of multiple policy failures.

Forced Displacement is Increasing in the Americas

Refugees, asylum-seekers, and other displaced individuals in the Americas by year



Source: UNHCR, "Refugee Data Finder" <https://www.unhcr.org/refugee-statistics/download>

Note: These figures include people that UNHCR defines as the following: "...those who have been forcibly displaced (refugees, asylum-seekers, other people in need of international protection and internally displaced people)."

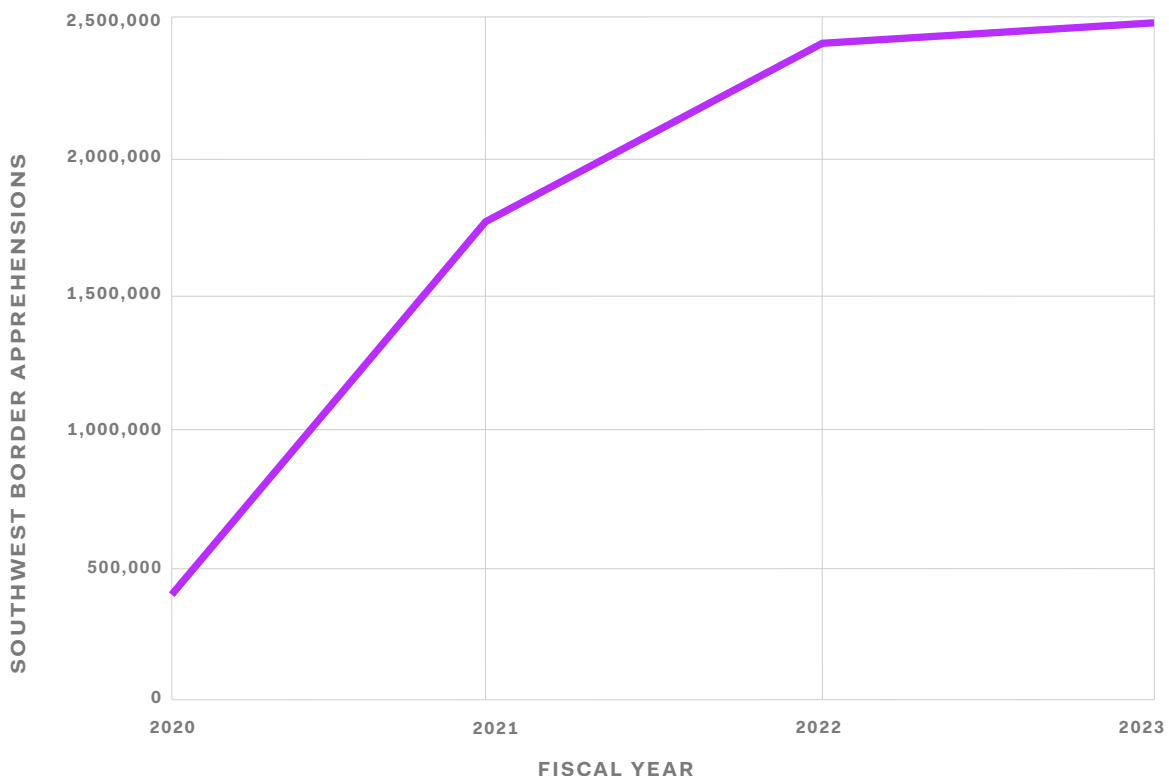
Asylum Restrictions Alone Don't Work

For the past ten years, policymakers in both parties have attempted to reduce irregular migration by restricting access to the defensive asylum system, hoping that increased bars on eligibility would eventually stem the number of people seeking to migrate.³⁶ Because the overwhelmed asylum system is a symptom, not the sole cause, of the pressure on our border, such approaches are bound to fail.

The suspension of asylum processing under Title 42, a public health authority, provided critical evidence that shutting down asylum is an ineffective and temporary response to irregular migration. From 2020 to 2023, the U.S. government conducted 2.8 million expulsions of migrants without humanitarian protection screenings,³⁷ testing the theory that eliminating the option to seek asylum would lower the number of encounters at our border. However, these mass expulsions of migrants failed to achieve that result,³⁸ as border agents recorded the highest number of asylum seekers encountered at our southern border since the creation of the asylum system in 1980.³⁹ This policy also denied bona fide asylum seekers any opportunity to raise their claims, sending an unknown number of people back to harm.

Title 42 Revealed that Deterrence Alone Will Not Fix the Border

Southwest border apprehensions increased from 2020 to 2023 when Title 42 was in effect



Source: U.S. Customs and Border Protection, "Southwest Border Migration," <https://www.cbp.gov/newsroom/stats/sw-border-migration> and U.S. Customs and Border Protection, "Nationwide Encounters," <https://www.cbp.gov/newsroom/stats/nationwide-encounters>.

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Title 42 revealed a complicated reality about the efficacy of consequences at the southern border: Operational challenges make scaling consequences and applying them to hundreds of thousands

of people every month practically impossible. For example, a recent presidential proclamation that attempts to address the inefficiencies of Title 42 was easier to implement once Mexico made a significant and sustained enforcement push, ensuring the numbers of migrants did not overwhelm processing capacity.⁴⁰ This strategy, however, leaves the United States highly dependent on Mexico's cooperation for controlling the border, as it communicates to Mexico, as well as our foreign adversaries, that our border is in "crisis" any time more than 1,500 people enter between ports of entry in one day.

Immigration consequences have always been unevenly applied across the border, due to limited personnel, unsafe custodial facilities, and the constraints of negotiating removal agreements with regional partners. Additionally, many policies designed to deter irregular migration have proven futile when the political, environmental, and economic circumstances from which migrants flee are far worse than the penalties the federal government has sought to employ.⁴¹ Other policies have proven impossible to implement when Mexico changes its own approach to immigration enforcement.⁴² In the case of the latest proclamation suspending asylum between ports of entry indefinitely, applying this restriction would become impossible if Mexico stopped its current operation of holding back an estimated one million migrants from reaching our border.⁴³

This is not to say that consequences do not have a role to play in the enforcement of immigration laws—they are necessary for the implementation of any legal regime—but attempting to solve this crisis solely through increasingly punitive measures has failed, and will continue to fail, to lead our nation out of its sustained border challenges.

A Consequences Only Approach is a Political Dead End

Both parties are deeply divided on policy solutions to the crisis at the southern border, despite a growing consensus that the status quo is unsustainable. While the problem of irregular migration spans both domestic and foreign policy interests, the debate among policymakers and civil society continues to focus almost exclusively on asylum restrictions at the border. There is no political consensus in either party on maintaining and reforming a defensive asylum system.

On the left, some stakeholders have fought for a version of the status quo where families and children cross the border between official ports of entry, because that was the original policy design of defensive asylum in 1980, even though we now know they will face life threatening conditions and wait years in limbo for their cases to be resolved. On the right, some conservatives have argued that few migrants at the border are legitimate asylum seekers and that asylum protections at the border are unnecessary, even though multiple countries in the Western Hemisphere are in political disarray. Both sides of the partisan debate treat our current asylum laws as the only version of an asylum system the United States can have, not yet recognizing that the United States can modernize the way it protects vulnerable people at its borders.

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Rather than experiment with a new wave of asylum restrictions as the primary political solution to the problem, as a bipartisan group of lawmakers embraced in the attempted passage of a Senate border bill,⁴⁴ policymakers should consider the solutions outlined in this framework to improve the efficacy of future asylum reforms, and expand the policies that will better serve U.S. immigration interests in the process. For example, without the creation of new legal pathways to accompany asylum reform and provide new options for migrants to work or reunite with family, asylum will remain the primary path for most new migrants. Until lawmakers take this step, the sheer logistics of trying to manage increasingly high numbers of migrants will continue to overwhelm our asylum system and immigration courts, putting an undue burden on our receiving communities and further constraining the political space for much needed reforms to the broader immigration system.

Arbitrary Caps Don't Address the Realities of Migration

Compounding the partisan divide is the debate over the optimal number of encounters at the border and what number—if any—signifies a secure border. Reducing the number of unauthorized migrants will enhance border security, but setting an arbitrary cap on border encounters departs from the realities of migration. Lower numbers of asylum seekers at the border are safer for migrants seeking protection, the border officials who process them, and the civil society actors who receive them. But extreme weather events, repressive governments, regional conflicts, and other extraordinary conditions can trigger increases in migration to our border that require our border processes to quickly screen the cases of thousands of people in a short period of time.⁴⁵ We need a set of policies and processes that allows the United States to do both.

This framework operates on the assumption that we should be managing a border that has significantly fewer people needing to go through the defensive asylum process at the border, thanks to the increase of immigration opportunities throughout the region. It also offers a new objective for our nation's border security: to reduce long-term pressure on the defensive asylum system by decreasing the number of unauthorized migrants at our southern border while still providing the government flexibility to process asylum seekers at ports of entry and respond to short-term migration emergencies.

In the current political moment, however, the disagreement over border numbers is the dominant factor in policy discourse. On the left, advocates have argued that border numbers reflect factors mostly outside of our control, and that allowing years for an asylum case to play out may be the best method to achieve fairness for irregular migrants at the border. On the far right, the ideal number of irregular migrants at the border is seen as close to zero, as leaders aligned with the immigration restrictionist movement see asylum seekers at our southern border as a general threat to national security, regardless of their protection claims.

Since there is no agreed upon definition of a secure border when numbers are the primary metric of success, this framework offers a more expansive set of indicators to judge the success of the U.S. migration management system, such as the reduction of irregular cross-border movements throughout the region and the successful utilization of legal pathways by migrants who avoided a dangerous journey.

American Communities Deserve Better

Contributing to the dysfunction of the status quo is the fact that our southern border infrastructure is not designed for the safe and orderly processing of new arrivals. Border facilities are ill-equipped to screen migrants, safely house them during their protection screenings, or connect people to legal services and humanitarian support. The Border Patrol, and Customs and Border Protection as an agency, has become increasingly reliant on tents or outdoor facilities to process migrants, a model that leaves migrants disconnected from legal services and civil society organizations, often in inhumane outdoor settings with insufficient access to food and water. With limited space and personnel to process and screen people, migrants are released into communities even if they lack familial ties, financial sponsorship, and housing, creating operational and economic challenges for receiving communities. Our nation's outdated border infrastructure and the lack of federal coordination of asylum seekers is straining American communities.

For decades, non-governmental organizations (NGOs) in border communities have managed the consequences of this process, creating robust temporary shelter systems to help migrants move on to their intended destinations.⁴⁶ These NGOs have never been fully and consistently funded for the integral public services they provide, even though without them, migrants would have almost no institutional support to safely relocate and comply with their immigration removal proceedings.⁴⁷ To process people safely, the federal government needs modernized processing facilities where protection screenings, legal services, and temporary housing are available. Processing structures should also have space for all relevant federal agencies to work together to resolve claims quickly, connect asylum seekers with work authorization, counsel, and humanitarian assistance, and remove people who fail to meet necessary legal requirements. These processing facilities will require significantly more personnel and should be equipped with the latest technology to create a modern case management system that increases the security and efficiency of the asylum screening process.

The capacity constraints of current border facilities has led to an unmanageable cycle of migrants being quickly enrolled in removal proceedings and released into communities with insufficient coordination between the federal government and receiving communities.⁴⁸ In the past three years, to decompress the number of asylum seekers congregated in border communities, state governments have begun their own efforts to transport migrants to interior cities – in some cases, with the explicit intent of causing operational challenges by weaponizing migration.⁴⁹

Migrants who are released into U.S. cities are left unable to work or access housing due to outdated immigration laws that restrict access to work authorization for asylum seekers. This system has challenged border communities for decades, where local governments and NGOs have often had to surge resources to manage spikes in migration. Now, cities across the nation are facing these budget consequences in the absence of a federal plan for newly arrived asylum seekers. The increased arrival of migrants combined with no federal strategy to integrate them has exacerbated tensions among American citizens, immigrant communities, and new arrivals.⁵⁰ The lack of a coherent federal response to these arrivals has created a new housing crisis in communities already struggling to provide shelter to their unhoused residents. There is also a lack of diversification as to where asylum

seekers resettle, with the majority moving to major hubs such as Miami, New York, Houston, and Chicago.⁵¹ Even though rural communities could benefit from receiving asylum seekers, there is no existing process that allows them to put their hands up and volunteer to help with resettlement.⁵²

Successful programs providing opportunities for private citizens to sponsor refugees have demonstrated that there is significant interest from American citizens to support immigrant integration through a coordinated federal process. In the past few years, the U.S. has expanded pathways for private citizens to directly support refugees and migrants through innovative sponsorship initiatives created. For example, the Welcome Corps program has enabled Americans to form sponsorship groups to welcome refugees, providing them with initial housing, basic necessities, and community orientation. The Uniting for Ukraine program created a process for U.S.-based individuals and organizations to sponsor Ukrainian citizens displaced by Russia’s invasion, helping them access humanitarian parole and support as they built new lives. Similarly, the CHNV parole program has facilitated private sponsorship opportunities for nationals of Cuba, Haiti, Nicaragua, and Venezuela, aiming to provide safe, orderly pathways while reducing irregular migration at the southern border. Collectively, these programs have activated millions of American sponsors across all 50 states, and reflect an untapped source of support for displaced people that could be taken advantage of with federal coordination.

More Than One Million Newcomers Arrived Through Sponsorship Initiatives Over the Last Three Years

Newcomers welcomed by American sponsors between 2021 and 2024.

Type	Program	2021	2022	2023	2024	Total
Humanitarian Parole	Operations Allies Welcome (Afghan)	76,000	8,600			84,600
	Uniting for Ukraine	N/A	101,305	73,663	55,578	230,546
	Parole for CHNV	N/A	72,000	255,000	203,000	530,000
Refugee Status	Welcome Corps	N/A	N/A	88	1,941	2,029
	USRAP (other than OAW or Welcome Corps)	11,454	25,465	60,014	98,234	195,167
Total arrived through sponsorship initiatives		11,454	283,370	388,677	358,612	1,042,342

In the era of climate change and increased internal displacement within our borders, the United States needs a federal coordination system that can match new arrivals, specifically those who arrive

without sponsors or family ties, with communities that have the capacity to host them. To reduce the political and operational challenges of integrating asylum seekers and harnessing their potential to economically contribute, the federal government must play an active governing role going forward.

The United States Must Be a Regional Leader, Not a Reactive Player

The domestic policy failures above are not the only factor that contribute to the situation we face today. The Western Hemisphere is facing a historic migration crisis in which 25 million people have been identified as forcibly displaced from their homes.⁵³ Like the United States, countries throughout the region have failed to adjust to new irregular migration trends, with many allowing large numbers of migrants to pass through to the United States without building out their own legal avenues, asylum systems, and immigration enforcement systems in response. Some countries have even financially benefited from the growth of smuggling networks, reducing the incentives they may have to support the United States by controlling their own borders.⁵⁴ Finally, political upheaval in multiple countries, including a historic Venezuelan refugee crisis that has displaced up to eight million people in the region, is compounding the regional challenge.⁵⁵

If policymakers continue to address this problem with domestic solutions alone, it will not address the reality that other countries in the hemisphere will always shape the efficacy of our domestic immigration laws. As we have seen in the past four years, when our diplomatic relationships with a nation prevent the removal of irregular migrants without protection claims, there are few alternatives to the U.S. accepting people who have no legal basis to stay. While 2024 saw a historic increase in Mexican enforcement, a border crisis could reemerge if and when Mexico changes its enforcement posture. While there has been movement in recent years to address the U.S. border crisis with a combined regional response, such as the Los Angeles Declaration on Migration and Protection, these efforts lack public support and understanding.⁵⁶ As a result, they are not being fully embraced as a necessary element of reform, as exemplified by their absence in legislative solutions.⁵⁷

Moving forward, the United States must incentivize nations throughout the region to build strong asylum systems and immigration enforcement systems, and prioritize integration efforts, and we must provide the necessary foreign aid to do so. When needed, the U.S. government should provide economic incentives to countries that cooperate with humane migration management and place conditions on funding that prioritize human rights' protections in immigration enforcement. The federal government should move away from ad hoc agreements that simply move migrants to more dangerous and remote locations or restrict legal movements that empower smugglers to thrive, and instead invest in updated and transparent readmission agreements with countries with the most resources to share resettlement responsibility with the United States. To truly disrupt the growing sophistication of human smuggling networks, the United States must aggressively provide new incentives to foreign governments. In sum, the complicated drivers of irregular migration require an ambitious policy response, not one that is limited to what is possible at the border.

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A Better Way Forward: The Framework

This framework includes reforms that are necessary to increase border security by reducing unauthorized migration to our southern border. These pillars should be implemented together, for the effectiveness of any one pillar is highly dependent on the existence of the other. Without the inclusion of each pillar, our nation will continue to experience increased challenges not only at the border, but in cities across the United States.

Each pillar highlights key provisions that should be included in upcoming legislative reform efforts and executive actions. While this framework does not provide legislative text, it serves as an entry point for lawmakers to better understand essential components of an effective policy response to irregular migration.

- 1 Reduce Irregular Cross-Border Movement in the Region**
- 2 Expand Access to Humanitarian and Labor Pathways Closer to Countries of Origin**
- 3 Expand Legal Pathways to the U.S.**
- 4 Modernize Border Security Infrastructure**
- 5 Reform the U.S. Asylum System**
- 6 Develop a Federal Resettlement Process for Asylum Seekers**



Reduce Irregular Cross-Border Movement in the Region

Address the drivers of displacement to decrease the number of migrants seeking to make irregular cross-border movements.

Successful migration management requires a consistent and prioritized foreign policy response. The U.S. government should pursue strong diplomatic efforts in the Western Hemisphere that advance our core national interests such as advancing democracy, deterring corruption, and promoting human rights, but this strategy must be paired with an effort to incentivize our regional partners to strengthen their immigration systems and prioritize the integration of migrants and refugees. When people cross borders irregularly, they face myriad threats, including human trafficking, extortion, kidnapping, and sexual assault.⁵⁸ Foreign aid can play a role in helping host nations better integrate new arrivals, reducing the likelihood they will remain displaced. Fair and humane immigration systems throughout the region ensure that migrants in need of humanitarian protection can receive them, and that those who do not qualify for an immigration benefit or the protections provided for in the United Nations Refugee Convention are fairly returned and integrated back to their country of origin.

This approach attempts to reinvigorate past efforts to address the “root causes” of migration, a strategy that has been implemented by the federal government inconsistently since 2014 and has never been fully embraced as a viable solution. As an example, even though irregular migration is a major challenge in the Western Hemisphere, the United States still spends less on humanitarian and integration programs for migrants and refugees in this hemisphere than we do for similar programs related to Ukraine and Syria.⁵⁹ The root causes strategy as a standalone approach has also been a difficult policy solution for the American electorate to understand, given the visible disarray at the border.

Studies show that increasing people’s economic stability is not necessarily a deterrent for migration, and in some cases, people use extra resources to migrate when other conditions are driving them to relocate.⁶⁰ Instead, an approach that focuses on migrants in transit has proven more successful at helping find work and stability without additional onward movements. Building public awareness of migration as a foreign policy challenge will be vital to any future reform efforts.

Policymakers Should:

- **Direct the National Security Council to Conduct a Comprehensive Analysis of Foreign Aid as a Migration Management Tool:** Given the complexity of finding a foreign aid approach that will work in multiple countries with various governance structures, as well as the need for policymakers and the general public to understand how foreign aid can reduce irregular migration, the NSC and the Senate Foreign Relations Committee should complete an economic and intelligence-informed analysis of past foreign aid attempts to identify a highly targeted set of investments the U.S. government could pursue to decrease irregular cross border movements in the region. This analysis should also identify where public-private partnership efforts have made a difference in preventing displacement, to drive targeted engagement with the private sector.
- **Increase Protections for Internally Displaced People In or Near Countries of Origin to Minimize Cross-Border Movement:** The starting point to prevent irregular migration is to prevent internally displaced people (IDP) from being forced to migrate to the United States.

Lawmakers should create a robust fund within the United States Agency for International Development (USAID) specifically to address IDP populations in the Americas, and the State Department should push other governments to address their internally displaced people.

- **Invest in Regional Job and Language Training Programs:** As countries across the region adjust to climate change and technological advancements that eliminate jobs, the United States should support in-country job training efforts to help countries reduce unemployment and economic displacement, which drive increases in migration.⁶¹
- **Expand Temporary Protected Status (TPS) Designations in the United States to Increase Remittances and Reduce Secondary Migration:** Remittances from the United States eclipse foreign aid to the region and unlike other forms of foreign aid, remittances have been found to prevent secondary migration to the United States.⁶² Not only does TPS increase stability for undocumented populations in the United States, it acts as a migration management tool by ensuring new TPS recipients can support their families and networks in their countries of origin.
- **Expand Root Causes Investments Beyond Central America:** For the past decade, the majority of U.S. foreign aid to manage migration has been directed to Central America. As migration has increased throughout the region, this targeted investment needs rapid expansion to other major sending countries and transit countries in South America and the Caribbean.⁶³
- **Make a Significant Investment in Integration Programs in the Western Hemisphere:** The U.S. should establish a fund at USAID for development initiatives to support communities hosting migrants and refugees in order to strengthen integration and inclusion programs across the Americas. This should include prioritization of language training and other skills training necessary to help displaced populations find stable employment in their new destinations, in order to prevent further migration.
- **Provide Technical Support and Foreign Aid to Build Asylum Systems in Host Countries:** One factor driving migrants and refugees to the southern border is the lack of functioning asylum systems in other potential host countries.⁶⁴ Even when countries have an established asylum system like the United States and Mexico,⁶⁵ record demand for asylum protections has created overwhelming backlogs due to a lack of alternative legal immigration pathways. With targeted foreign aid and technical support, the United States can incentivize regional partners to build out their asylum systems, reduce backlogs, provide legal training, and implement other case management best practices.
- **Place Humanitarian Conditions on Foreign Aid for Immigration Enforcement:** The United States has provided increased support, technical training, and aid to regional partners⁶⁶ scaling up their own immigration enforcement systems. To protect the human rights, safety, and well-being of migrants in the region, the United States must also set conditions on both foreign aid and personnel support. These conditions should include a requirement that other countries conduct returns only after humanitarian protection screenings, that medical support and other services are provided in congregate settings, and that vulnerable migrants have access to humanitarian support.

A woman is seen from behind, working on a large loom. She is wearing a light purple short-sleeved shirt. The loom is set up with many vertical threads of various colors, including red, blue, green, and yellow. The background is slightly blurred, showing an outdoor setting with some structures.

2

Expand Access to Humanitarian and Labor Pathways Closer to Countries of Origin

Provide irregular migrants with access to jobs and humanitarian protection throughout the region to help them avoid crossing multiple countries to find work or safety. Prioritize the protection of people lacking any existing legal protections or job opportunities, as opposed to people who have already gained some temporary protections.

Political crises, climate threats, and generalized violence make remaining in one's home country impossible for many migrants and refugees. In these cases, the United States must work closely with regional partners to ensure that people have protection and employment options closer to home. People should not have to resort to using a smuggling network to seek safety, and they should have multiple options to access both immigration protections and employment in the region before risking their lives to migrate irregularly to the U.S.-Mexico border.

The United States must build legal alternatives that make traveling to our southern border a last resort. Recently, the U.S. government has taken a step in this direction by creating Safe Mobility Offices (SMOs) in Colombia, Costa Rica, Guatemala, and Ecuador.⁶⁷ These offices redirect people to legal pathways in the United States and other receiving countries. At their most functional, they can help people access refugee resettlement, humanitarian parole, family reunification, and seeking asylum in host countries. SMOs are a blueprint of what a future protection system could look like—one where U.N. agencies, not smuggling networks, help potential migrants make immigration decisions. While more than hundreds of thousands of people have sought their assistance, the centers have only been able to help approximately a small percentage of applicants. Without additional legal authorities, access to new labor pathways throughout the region, and federal resources, their impact will remain limited.

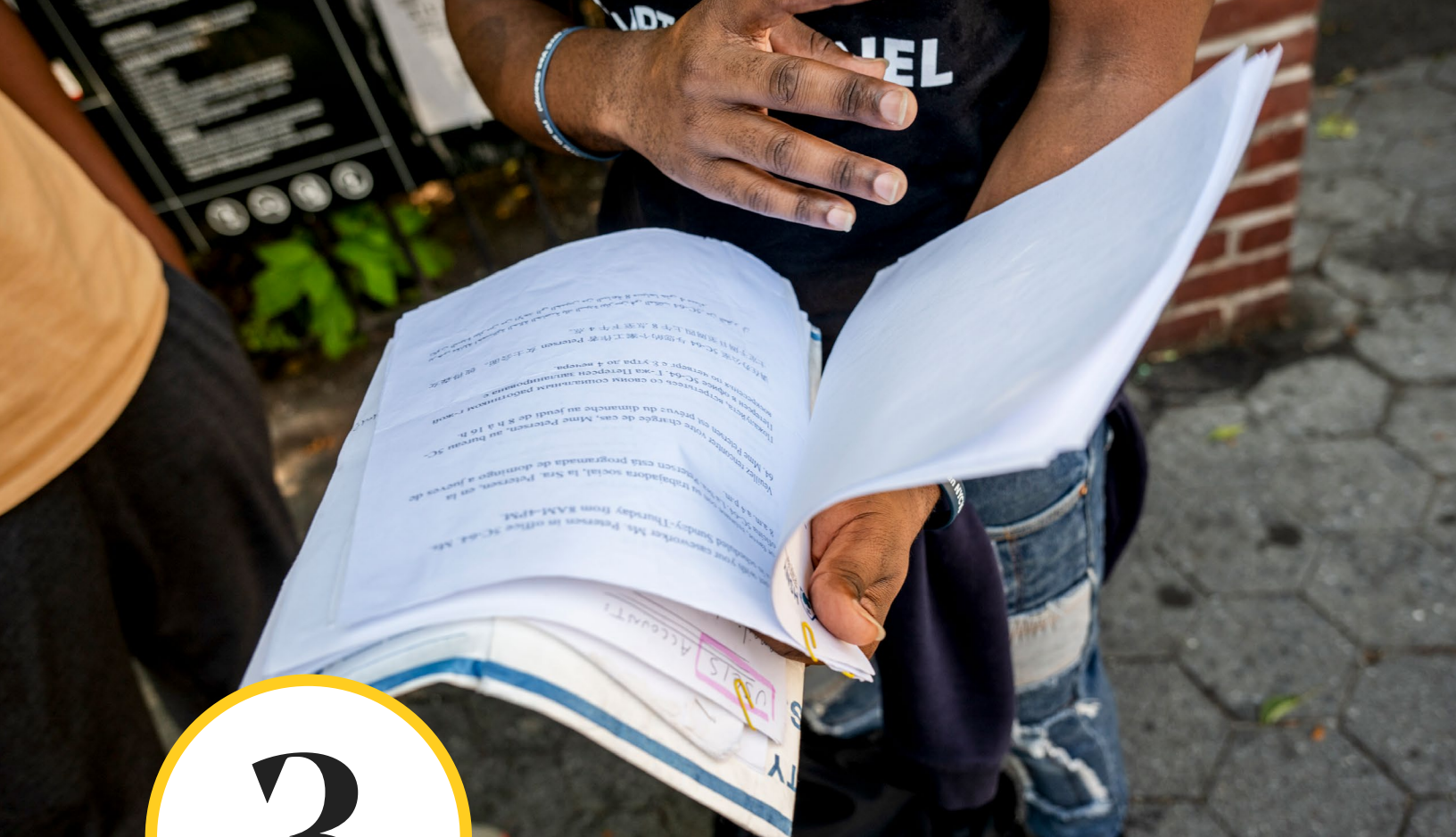
In addition to SMOs, members of Congress have introduced several proposals for regional processing, whether at U.S. Consulates and Embassies or designated “safe zones” in certain countries. The unifying principle underlying SMOs and these proposals is that migrants and refugees should not have to make several irregular border crossings to access the U.S. immigration system. But the challenge, without the creation of new legal pathways as outlined below, is that any regional processing option will be unlikely to deter people from traveling to the border to seek asylum if it does not provide accessible alternatives.

Under current law, if people do not have a family sponsor, an offer of employment, or meet the high legal bar required for refugee status, they will be left with no legal options but to attempt to make an asylum claim at the U.S.-Mexico border. For regional processing options to work, more legal pathways will have to be created.

Policymakers Should:

- **Give DHS the Authority to Conduct Humanitarian Pre-Screenings at U.S. Embassies and Consulates:** Congress should amend current law to allow asylum officers to conduct pre-screenings at U.S. Consulates, Embassies, or other U.S.-designated locations. Since some regional partners may not allow the United States to open up a regional processing option, this could enable the U.S. to offer an initial screening to particularly vulnerable populations. To ensure the safety and security of people accessing the embassy, these screenings could work based on referrals by the UN or civil society organizations. Virtual screenings may also be the best option to protect vulnerable populations from potential political retaliation. If people fail these pre-screenings and still attempt to make an unauthorized entry, they may be more quickly removed.

- **Expand the Number of Legal Pathways Available in Safe Mobility Offices (SMOs):** Congress must expand the number of legal pathways available to migrants utilizing regional processing options. In addition to screening migrants and refugees for potential resettlement through USRAP, these regional processing centers could connect migrants with U.S.-based employers for temporary labor visas and provide a set of potential parole options based on family reunification needs. SMOs should also have the authority to offer parole protections for unaccompanied children with U.S.-based sponsors. For migrants who do not have a compelling need to resettle in the United States, SMOs should be able to provide guidance for immigration options in other countries with economic needs for increased immigration.
- **Incentivize Country-Specific Protection Arrangements for Vulnerable Nationalities and Work with the Private Sector to Identify Employment Opportunities for People Eligible for New Temporary Protections:** When other countries have taken the step to protect a large number of displaced people, the United States should support regional partners with additional foreign aid and technical assistance to strengthen the impact of these temporary protection arrangements. For example, when Colombia admitted the highest number⁶⁸ of Venezuelans to date, the country prevented an even larger mass migration of Venezuelans throughout the region. The limits of the Colombian program are also instructive: if temporary legal status is not paired with efforts to help migrants find jobs in the formal economy and in willing host communities, xenophobia and exploitation can create further instability—in this case, leading many Venezuelans to leave Colombia.



3

Increase Legal Pathways to the United States

Create new legal pathways that increase circular migration opportunities, fulfill key U.S. interests, and incentivize irregular migrants to use immigration pathways outside of the U.S. asylum system. Building more accessible immigration options away from the southern border is the key to reducing the overall number of people using the dangerous land-based route to reach the United States.

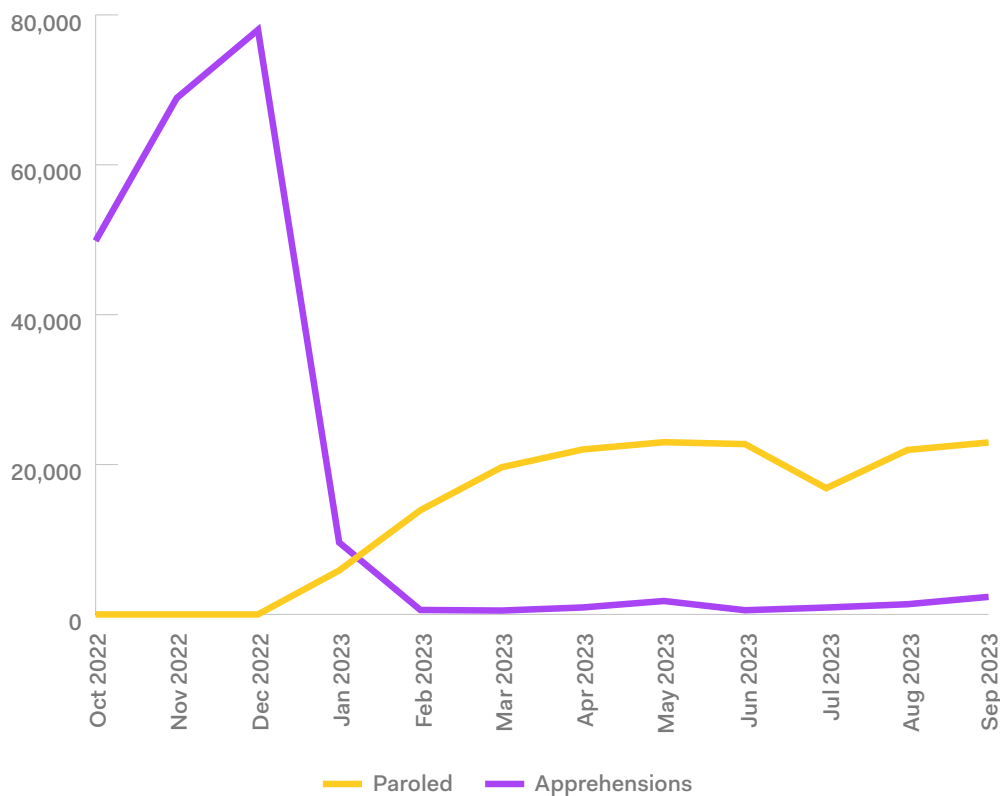
One of the best ways to combat smuggling networks is to ensure that vulnerable migrants no longer need their services. Legal pathways are not a replacement for the U.S. asylum system, but they are necessary to saving it and reducing the long-term trend of mass migration to the southern border. Unlike other western democracies facing the threat of population decline, the United States is in a fortunate position to benefit from the desire⁶⁹ of so many immigrants to live, find safety, or work in this country. The United States can also benefit from the reality that some workers in the region do not want to resettle in the United States permanently, but rather hope to increase their incomes and return to their home countries.

The recent creation of additional legal pathways for certain countries has led to a significant drop in unauthorized migration for migrants of those nationalities. According to the most recent data from the Department of Homeland Security, the CHNV parole pathways led to a 99% drop in unauthorized migration for those nationalities.⁷⁰ Unlike past asylum restrictions, which had a short term impact on decreasing unauthorized migration, these legal pathways have contributed to a sustained decrease⁷¹ and are the most successful domestic migration management tools employed in the last decade. Unfortunately, these particular pathways have eligibility requirements that do not target beneficiaries most at risk of future displacement, ultimately limiting their potential impact. Their temporary nature also ensures that the majority of beneficiaries will still ultimately apply for asylum and enter the years-long asylum backlog.

The Department of Homeland Security reported a 99% drop in unauthorized border crossings for nationalities eligible for legal pathways.

Parole Policies Immediately Led to a Lasting Reduction in Border Apprehensions

U.S. Border Patrol apprehensions and arriving paroled individuals for Cubans, Haitians, and Nicaraguans by month



Source: U.S. Customs and Border Protection.

Yet even with those limitations, these pathways have shown us two important facts. First, there is intense demand for Americans to sponsor new arrivals. Over 1.5 million Americans and legal permanent residents signed up to sponsor people from Cuba, Haiti, Nicaragua, and Venezuela. Second, they have demonstrated that American sponsorship of new arrivals is a strong mechanism to ensure migrants can integrate in an orderly way.

Policymakers Should:

- **Create State-Sponsored Visas to Give States the Flexibility to Respond to Changes in their Labor Markets⁷²:** The current federal immigration system gives little flexibility⁷³ for the United States to quickly address fluctuations in the labor market. The Department of Labor could play a greater role in determining which industries require additional workers, and Congress could allocate a set number of visas available for states every year. Allowing states an opportunity to harness the benefits of new immigration will alleviate some of the challenges they have faced when having to welcome new arrivals in an ad hoc manner. This concept has already received bipartisan support from State leaders.⁷⁴
- **Create a New Caregiver Visa⁷⁵:** Congress can create new visa pathways to ensure that immigrants can work in industries where there are not enough native-born workers to fill labor needs. For example, as the U.S. population ages, there will be a significant need to increase the caregiver labor workforce⁷⁶ for eldercare, especially in residential care facilities. Similarly, as states seek to encourage families to grow, greater access to childcare will become necessary. The new visa can be temporary, with an eventual option for workers to seek citizenship if they meet certain requirements.
- **Reform and Expand Healthcare Visa Options:** The U.S. healthcare system faces significant physician shortages,⁷⁷ as well as nursing and other healthcare worker shortages that are projected to grow. Expanding and reforming programs like Conrad30 would not only alleviate these shortages, but provide additional legal pathways to resettle healthcare professionals in the United States in an orderly manner that meets U.S. interests. One bipartisan option already exists in the Healthcare Workforce Resilience Act.
- **Create Food Security Visa⁷⁸:** Persistent labor shortages in the U.S. food supply chain have led to higher grocery prices, food deserts, and other negative impacts for Americans. The U.S. government needs greater flexibility to bring in immigrant labor when labor shortages require it. A flexible set of food supply chain visas should be made available on an as-needed basis, as determined by assessments from the Department of Labor and the U.S. Department of Agriculture.
- **Expand J-1 Visa Options:** While the United States benefits from the talents of new immigrants, their countries of origin often lose future leaders who could contribute to a more prosperous future at home. The United States should have a targeted J-1 visa option for the specific purpose of helping people from countries experiencing high out-migration complete educational opportunities that will help them further advance their economic goals when they return home. Universities and community colleges should be given additional federal dollars if they develop programming that could strengthen access to higher education for youth across the region. For example, agricultural science universities can work to increase their international programming to help students understand adaptive farming techniques that will be required due to climate change.

- **Create a Flexible Cap on H-2B Visas to Adjust to Labor Shortages:** Nonimmigrant visas provide a safe economic route for tens of thousands of migrants every year, but there remain barriers on their accessibility, such as a yearly cap that does not take into account present economic realities. The U.S. government should remove the cap on H-2B visas, and in consultation with the Department of Labor to prevent displacement of U.S. workers, facilitate connecting employers with employees from Latin America and the Caribbean through SMOs or collaborations with civil society organizations in the region.
- **Expand the Use of Parole and Nonimmigrant Visas for Family Reunification:** Family unity remains a core principle of our immigration system, yet more than a million people who have been approved for family-based green cards are still waiting in backlogs.⁷⁹ Rather than wait decades for green card approval, many travel and attempt to enter the United States. Immediate family members should not have to traverse multiple countries just to be reunited. Recently announced family reunification parole programs benefit individuals with pending immigration petitions, but they are limited by country and only available to people who are invited to participate.⁸⁰ Right now, many of the people using the CHNV parole program have utilized this option for family reunification, and the U.S. has benefitted from lower unauthorized migration from those countries as a result.⁸¹ In addition to the usage of parole, there should be a nonimmigrant visa category for individuals with pending immigration petitions to allow them to visit the United States.
- **Expand Private Sponsorship of Refugees and Other Vulnerable or Displaced Populations and Increase Refugee Allotment for the Western Hemisphere:** The last three years of immigration policy have shown tremendous demand from Americans to sponsor immigrants. Whether through the CHNV parole program, Uniting for Ukraine, or Welcome Corps, these innovative programs show the potential of private sponsorship to match vulnerable populations in the Americas with protection and economic support in the United States. In addition to expanding private sponsorships of refugees through programs like Welcome Corps, lawmakers could offer additional sponsorship options for vulnerable populations and potential asylum seekers who seek protection at regional processing options. Once again, this will ensure that when vulnerable populations do arrive in the United States, they can benefit from preexisting economic support. Sponsorship not only supports displaced populations; it helps U.S. sponsors become part of the immigration process, so that more communities understand the national benefits of providing humanitarian protections.
- **Create a Western Hemisphere Lottery Visa:** The overall demand for entry into the United States is likely to remain high as long as the U.S. economy is strong.⁸² To account for potential migrants who do not have family ties in the United States, would not be suited for temporary labor visas, do not have protection needs, and lack family ties to the United States, new visas for countries in the Caribbean, Central America, and Latin America could be provided. These would contribute to a broader range of options for immigrants in a region where U.S. foreign policy interests would benefit from this extension of goodwill.



4

Strengthen Border Security by Modernizing Border Infrastructure

Build out a modern border infrastructure that can intercept security threats at ports of entry, facilitate lawful trade and travel, receive asylum seekers through an orderly process, direct unauthorized migrants to formal interception points, and protect border communities from security threats.

The United States cannot secure the border if it lacks the infrastructure to safely and quickly process migrants, whether at an official port of entry or the areas in between. Most of our border infrastructure was designed for single adult males to be quickly deported back to Mexico. As the demographics at the border have diversified,⁸³ it has become increasingly clear that the U.S. government needs to modernize the structures it uses to screen and process irregular migrants and train personnel to care for the unique needs of vulnerable populations.

Official ports of entry were designed to facilitate the movement of cross-border travelers as well as significant trade and commerce activity, not to receive irregular migrants. As a stop-gap solution to its current infrastructure challenges, the government has relied on temporary soft-sided facilities to detain adults and children, conduct criminal and national security background checks, provide childcare, and issue legal documents to migrants in multiple languages. These temporary spaces lack the capacity to properly co-locate all of the government agencies that require staff to screen migrants for protection needs.

In order to fundamentally redesign the U.S. defensive asylum process at the border and increase border security, Congress will have to build out new structures to accommodate irregular migrants who seek to make an asylum claim. Failure to build out new space for asylum processing will continue to limit the number of people who are able to seek asylum at a port of entry and incentivize people to enter between ports of entry instead.

Additionally, relying on our existing infrastructure for the processing of migrants diverts necessary resources away from both drug interdictions at ports of entry and other illegal trafficking activity across the border. For example, at times when the number of irregular migrants has increased, Customs and Border Protection (CBP) has closed ports of entry to trade and travel and diverted personnel to other locations along the border. Not only do these resource shifts cause significant economic loss for border states, they take key personnel at the Office of Field Operations away from critical surveillance duties such as the interception of fentanyl trafficking. When CBP has run out of space to hold people in their stations, street releases in remote border communities place a significant strain on public resources.

Policymakers Should:

- **Build New Ports of Entry:** Official ports of entry are a huge economic benefit to American border communities.⁸⁴ Rather than exclusively focusing on the construction of new physical barriers to intercept irregular migration, the U.S. government should build out smaller ports of entry to facilitate lawful trade and travel, intercept irregular migrants, and divert smuggling activity. Strategically stationing more personnel and creating more legal checkpoints along the border decreases the likelihood that smugglers will be successful in sending irregular migrants to more remote areas of the border. Smaller ports of entry will also create necessary jobs in border states and provide economic stimulus for rural American communities.

- **Create a New Humanitarian Office and Workforce within CBP to Allow Border Patrol to Return to their Regular Duties:** As irregular migration has increased, Border Patrol’s mission has shifted from patrolling the land border to responding to the humanitarian needs of migrants. Once a migrant is intercepted by Border Patrol, they should be transferred to specially trained humanitarian personnel at designated locations along the border. These officers could conduct a humanitarian screening before transferring individuals to ICE or an asylum processing center.
- **Create a Federal Emergency Management Agency (FEMA) and Department of Defense Reserve for Mass Migration Emergencies:** Currently, whenever there is an emergency influx of irregular migrants, DHS diverts personnel away from other key security functions along the border, creating significant risk for the sectors who lose personnel. To prevent this, lawmakers should create a reserve of migration officers specifically trained to manage emergency mass migration events and serve vulnerable populations, including specialized language training.⁸⁵
- **Expand the Number of Migrant Processing Coordinators to Improve Consistency in Asylum Processing at Designated Ports of Entry:** The Office of Field Operations should have a robust set of personnel specifically trained and legally empowered to manage the entrance of asylum seekers at ports of entry. These coordinators should work with non-governmental organizations and local governments to ensure the orderly entry of asylum seekers through the port of entry and into the community. Right now, each sector manages the arrival and coordination of inadmissible migrants differently, leading to vast disparities on how people are treated and processed. The more inconsistency there is between sectors, the more smuggling networks can exploit migrants by smuggling them to sectors where disorganized releases into communities are more likely to occur.
- **Deploy U.S. Personnel and Communications Resources to Mexican Border Cities and Create U.S. Government Channels to Reach Migrants on Social Media:** Once migrants reach the U.S.-Mexico border, they are faced with the difficult decision of how to make their entry into the United States. Now that social media makes misinformation more easily accessible to migrants,⁸⁶ the U.S. government needs a concerted communications and social media strategy to inform migrants about their legal options to enter the United States. If not, smugglers will continue to misconstrue the facts of the asylum system and exploit migrants by sending them to more dangerous entry points along the border. This type of effort will require collaboration with UNHCR and IOM to identify the right placement of U.S. personnel and communications resources along the border, as well as private sector partnerships to identify a mechanism to reach migrant audiences on social media.
- **Modify CBP One Eligibility Criteria to Include Vulnerability Screening:** CBP One has been an important infrastructure innovation that allows the orderly processing of future asylum seekers at ports of entry. Like any new policy, however, improvements to this process are needed,⁸⁷ as it is not designed to identify and admit people with protection claims. As a result, asylum seekers and non-asylum seekers are all subject to the same backlog and lottery system for a CBP One appointment.

Lawmakers should modify this process by giving DHS and the State Department the authority and funding to turn CBP One into a triaging process that prioritizes appointments for vulnerable groups and maintains a set number of appointments for less-vulnerable asylum seekers. To increase accessibility, CBP One should also have kiosks at agreed upon locations in northern Mexican border cities to ensure equitable access to the system. If migrants have exhausted their options, arrived in a border community, and found that they do not meet the new eligibility requirements for CBP One, policymakers should fund voluntary returns to a migrant's country of origin.

- **Construct Asylum Processing Centers in Border Communities:** The greatest investment of infrastructure should be at existing ports of entry, as all asylum reforms should be incentivizing asylum applicants to enter at an official port. Recently, there have been bipartisan proposals to create “humanitarian campuses”⁸⁸ in the United States to provide a dedicated space to screen asylum seekers and provide temporary housing during this process. These centers should co-locate all relevant federal agencies needed to safely screen and process migrants. They should have the latest language access technology, digitization of immigration files, and other resources that will facilitate the fair and fast processing of asylum seekers. After each asylum seeker is connected with both a lawyer and a case manager, asylum officers should conduct credible fear or modified protection screenings. If migrants pass their screenings, they should be given immediate work authorization and paired with a sponsor in the United States before they are cleared for onward travel. These facilities should also permit non-governmental organizations spaces to interact with asylum seekers and provide federal transportation to the airport or overnight shelters once people are released from custody.



5

Reform the U.S. Asylum System

Until we achieve a fast and fair process for asylum seekers, vulnerable people with strong asylum claims will be returned back to harm, the asylum system will continue to be overwhelmed, and public opinion will continue to turn against it.

While public sentiment has begun to turn against the very existence of an asylum system at our southern border, saving asylum is a worthy national project. At a time of record high global displacement, asylum plays a critical role in preventing the type of humanitarian catastrophes that inspired the creation of U.S. refugee law in the first place. When major nations are permitted to turn away people fleeing political persecution or torture, there may be no refuge for displaced racial, ethnic, and religious minorities. Our nation's commitment to preserving asylum sends a strong message to our allies that the United States will continue to be a beacon of hope for persecuted peoples, and that we are strong enough to offer generous protections and still maintain the security of our borders.

We do not have to choose between a secure border and an asylum system. To preserve access to asylum at our southern border, lawmakers must reimagine how the U.S. government operationalizes asylum in this area. A legal regime that makes it easier to cross the border between an official port of entry and live for years in the United States in legal limbo is not a sustainable one for asylum seekers or the U.S. communities that host them.

We do not have to choose between a secure border and an asylum system.

Policymakers Should:

- **Modernize the U.S. Asylum System:** Right now, our asylum system is slowed down by an archaic legal process. To modernize it, U.S. lawmakers must reduce the use of paper applications, streamline adjudication requirements, and create open APIs. Given the current number of backlogged asylum applications, policymakers have an opportunity to utilize new technology to build efficiencies into the system that could be piloted and implemented across other immigration categories without requiring additional staffing. Without this type of modernization, any asylum reform will succumb to the same backlogs that have slowed down the system for all asylum seekers and forced people to live in legal limbo for years.
- **Prioritize Backlog Clearance for Both the Affirmative and Defensive Asylum Backlogs:** In order to reverse the decades-long trend of a growing asylum backlog, the U.S. government must clear the existing backlog.⁸⁹ The U.S. government should do a dedicated sprint to resolve cases with strong protection claims quickly and set up a transition process for people whose cases have been denied but who have created ties to the United States due to the dysfunction of the backlog. For cases that require removal, the U.S. should work with receiving countries to support a return program that connects people with support from local humanitarian organizations, UN organizations, and potential private sector opportunities.
- **Move Away From a “One-Size-Fits-All” Approach to Asylum Screening:** The United States should learn from other countries that adjudicate asylum claims based on the underlying claims and nationalities of the asylum seekers. For example, there will be irregular migrants at our border who come from a country that will never accept their return, as well as irregular migrants who come from a country in political crisis where they are almost certain to qualify for asylum. Assigning the same timelines, resources, and personnel to both types of claims is an inefficient approach, and U.S. Citizenship and Immigration Services (USCIS) should be given discretion to create separate tracks for categories of asylum seekers. Each track, however, should permit access to counsel, case management support, and other due process protections.

- Streamline the Collection of Registration Information for Asylum Seekers through CBP One:** CBP One has the capability of modernizing case management for asylum seekers, as long as the right advanced information can be inputted through the application. The app should be able to collect key biographic information that could facilitate the triaging of each asylum seeker's case. For example, advanced data collection can help the government prepare for the number of people eligible for differentiated case processing, versus general asylum screenings. U.S. personnel in Mexico could also facilitate this information gathering, which is preferable to leaving that function to border enforcement officials who have less time to collect this information among their other security duties.
- Institute Differentiated Case Processing for Countries with High Levels of Displacement:** The current legal definition of a refugee is extremely limited, and the United States is behind countries like Mexico that consider other factors if an individual is fleeing a country that meets certain conditions under the Cartagena Declaration, which has a more expansive set of factors justifying refugee protections.⁹⁰ In Mexico, this has reduced the adjudication time to 20 days in some cases.⁹¹ If more countries, including the United States, expanded protections for specific sub-demographics or certain countries facing significant instability, it could further streamline adjudications. Differentiated case processing could give USCIS greater ability to streamline and prioritize cases for certain nationalities.
- Give Asylum Officers the Authority to Conduct Full Merits Hearings at Asylum Centers:** Lawmakers should allow asylum officers to conduct merits screenings, grant asylum, and authorize removals without further involvement from an immigration judge. Work authorization should be granted once migrants pass their screening. During these screenings, migrants would be on alternatives to detention and have access to temporary housing support at asylum processing centers. All screenings should be completed in a set period of time, and if not, migrants should be allowed to travel onwards and complete the process at their end destination to reduce congestion in border facilities and communities. Migrants who do not meet the requirements for a protection screening would be deported and connected with re-integration support in their country of origin.
- Provide Universal Counsel and Case Management Support:** Currently, lawyers are not permitted in government facilities during the initial processing and screening of migrants at the border. Legal consultations most often occur over the phone, denying migrants the in-person legal support that allows them to build a functional attorney-client relationship. A shortage of lawyers also limits access to counsel. By allowing paralegals and other non-lawyers to support asylum seekers with preparations for their credible fear screenings, the government could strengthen due process and increase the likelihood that a fair decision will be reached. Legal representation not only ensures that difficult asylum cases are granted, but also leads to timely removals and builds public confidence that asylum seekers have received their due process.
- Guaranteeing Government-Funded Legal Representation For Unaccompanied Children:** Each year, thousands of immigrant children are placed into court proceedings in which government prosecutors seek to deport them, forcing this vulnerable population to navigate complex legal proceedings without a lawyer.⁹² Only 64% of unaccompanied children in proceedings

from FY2005-2017 obtained counsel at some point during their cases. But unaccompanied children with legal representation were more than seven times more likely than unrepresented unaccompanied children to receive a favorable outcome to remain in the United States. It is vital for the federal government to guarantee government-funded legal representation for unaccompanied children to rebuild trust in the immigration system.⁹³

- **Create an AmeriCorps Program for Recent Law Graduates with Federal Student Loan Forgiveness:** Given the need to significantly increase the number of lawyers available to represent asylum seekers, the federal government will need to incentivize more law students to provide this service. In the design of former loan repayment programs that have incentivized medical students to serve in rural areas for loan forgiveness, the U.S. government should forgive some or all of a student's loans based on their dedicated service to representing asylum seekers at the border.
- **Permit Voluntary Repatriation on Commercial Flights During Asylum Proceedings:** As migrants are paired with legal counsel and case management support for their asylum proceedings, they may learn through those consultations that they will not be able to pass their screening. Lawmakers should create a process where DHS would have the ability to transport individuals who elect voluntary repatriation on commercial flights.
- **Create a Removal Process with Re-integration Support in Countries of Origin:** When done with careful and humane policy design, removals can lead to safe re-integration in a migrant's country of origin. Removals should become an integrated process with civil society in receiving countries. NGOs should receive removal flights, and the U.S. should work with both UN organizations and regional governments to ensure that returned migrants can be redirected immediately to employment opportunities. Once the United States can achieve a reformed asylum system that provides fair and timely protection screenings, it can build public trust that people deported after crossing the border were treated fairly and humanely.
- **Create Transparent and Public Readmission Agreements that Provide Humanitarian Protections for Migrants Returned to a Third Country or the Country Where They Last Held Legal Status:** Readmission arrangements involve returning a migrant to a third country, rather than their country of origin. These types of agreements should rarely be used, but may become necessary in cases where countries refuse the return of their citizens who do not have a legal claim to stay in the United States. This type of arrangement has been increasingly utilized in recent years in an attempt to reduce the number of border encounters, but the ad-hoc, limited nature of these arrangements have too often left the United States with no option other than to allow migrants access to the asylum system, or resulted in agreements that remove people to third countries without the appropriate humanitarian protection screenings. At their worst, they have directly sent migrants back to life-threatening conditions. The United States should identify third country arrangements in countries that provide robust legal protections for migrants, and even integration opportunities, to ensure they will not simply move onwards once again. Countries for readmission agreements should be selected by the Senate Foreign Relations Committee based on international law. These removals should only occur after migrants receive protection screenings and have been offered the option of voluntary removal back to their country of origin.



6

Develop a Federal Resettlement Process for Asylum Seekers

Coordinate a centralized process to ensure asylum seekers are matched with a community with housing, work authorization, and resources to support them.

For decades, the United States has relied on border communities to coordinate the arrival of asylum seekers when they are released from government custody. Too often, the federal government has burdened these communities by dropping off migrants at bus stations or other local sites without notice. Over time, a network of non-governmental organizations have become critical actors⁹⁴ in ensuring migrants are able to travel to the cities where their immigration proceedings will be held. These organizations, largely faith-based, are performing a government function of ensuring that noncitizens can comply with their immigration removal proceedings.

As asylum seekers were transferred in significant numbers to major urban areas within the United States for political purposes, the need for greater federal coordination of asylum seekers has become overwhelmingly clear. The federal government has always regulated the presence of noncitizens in the United States, but it must take greater responsibility for managing the integration of the asylum seekers it admits at the border. Brazil and Mexico have already launched federal relocation programs for migrants and refugees, and the United States should act quickly to replicate these efforts.

Policymakers Should:

- **Expand Family Expedited Removal Management (FERM) and Transfer Migrants to Interior Cities for the Completion of Their Protection Screening:** When asylum processing centers reach capacity, FERM allows families to continue to undergo protection interviews in a non-detained setting. The program is currently limited by the fact that families must travel to their U.S. destinations with no support, find housing, and comply with an arduous legal proceeding in less than two weeks.⁹⁵ DHS should move families in FERM to their U.S. destinations and connect them directly to NGO reception services and legal counsel. For families without additional ties to the United States, there should be an opportunity for Americans to sponsor and support migrants going through this process. This process would have multiple benefits, the first being that U.S. cities would have advanced notice of the families arriving in their communities. Because of this, civil society organizations would be prepared to receive them, and migrants could be diverted to other receiving communities when capacity has been reached.
- **Create a Federal Database of Welcoming Communities:** Communities throughout the United States have spoken publicly about wanting to welcome immigrants, but there is no official mechanism for them to raise their hands to the federal government to offer help with resettlement. Given the overwhelming national need to diversify the locations that asylum seekers go to once they arrive in the United States, Health and Human Services should create a database of welcoming communities and provide additional federal funding to help those communities build infrastructure to receive asylum seekers. The federal government could also offer states new tax credits if they volunteer to provide integration support for asylum seekers.
- **Create a Legal Option for States and Employers to Sponsor Undocumented Workers for a Visa:** The United States currently has the largest undocumented population in the world.⁹⁶ Creating more legal options for states and employers to sponsor undocumented employees who

are already working for them could be a systematic way of reducing the number of people living without status. This step would also serve to defuse tensions that have arisen between newly arrived immigrants and the long-time undocumented population.⁹⁷ Stabilizing the legal status of immigrants already in our communities will move us toward a more secure country where state governments and cities have full awareness of who is in their communities.

- **Eliminate Arbitrary Waiting Periods for Work Permits and Reduce Barriers to Immediate Economic Integration:** Bipartisan lawmakers agree that a 180-day waiting period for asylum seekers is forcing this population to choose between unauthorized employment or reliance on state and local resources to support themselves. Reducing restrictions on work permits for people we have admitted into the United States will allow new arrivals to find legal employment and contribute to their new communities.
- **Create a Permanent Southern Border Coordinating Center to Transport Asylum Seekers to Communities Capable of Supporting Them:** Given the need for DHS to be able to transport migrants to their end destinations, thereby removing states and localities from assuming this function, the DHS needs to be equipped to operate a dispatch center that can coordinate the transportation of new arrivals away from asylum processing centers to their end destinations, especially for those who lack family ties in the United States. Lawmakers should clarify that ICE transportation can be used for this purpose, and increased transportation funding should be allocated to ICE to do so.
- **Create a Migration Emergency Response System:** When there is an episode of more than 1,000 migrants attempting to cross the border in a single location at one time, there needs to be an emergency response system and accompanying authorities available to the federal government to rapidly process individual claims fairly and safely. FEMA⁹⁸ is best equipped to support communities with an emergency response, and lawmakers should create a flexible fund for them to utilize during migration emergencies at the border or in interior cities. This response system should be able to provide temporary shelter, food, and medical responses to appropriately address the humanitarian need, and transport people to safer locations if necessary.
- **Provide Housing Reimbursements to Cities That Manage a Large Influx of New Arrivals:** The Housing and Urban Development Department should provide reimbursements to cities that take on the responsibility of providing temporary housing for new asylum seekers. Doing so will rebuild public trust that the management of new asylum seekers is a federal function and should not create a strain on local and state budgets.
- **Significantly Increase Funding for the Office of Refugee Resettlement (ORR) to Provide Additional Long-Term Integration Support for Asylum Seekers:** The reception process for asylum seekers should more closely mirror the successful system of USRAP. Health and Human Services (HHS) should be able to support the integration of asylum seekers, monitor and respond to the safety and wellbeing of unaccompanied children, and provide additional funding to NGOs that support the integration of asylum seekers.

A Note on Implementation

One of the greatest challenges facing a truly comprehensive migration management framework is that the federal government is designed to address each problem outlined above in a different federal agency. While the Department of Homeland Security has the greatest responsibility to manage irregular migrants at the border, the State Department, the Labor Department, the Department of Agriculture, and Health and Human Services are all necessary to the success of this proposal. Only the White House is positioned to ensure that the interagency is working to prioritize every pillar of this framework simultaneously, and only the White House can ensure that both the foreign and domestic policies within this paper are advanced with equal priority. Much like the National Security Council, there must be an Assistant to the President whose role is to advise the President on managing migration in the region, otherwise the deprioritization of the issue could result in many of the same challenges that have been experienced in the past ten years. Additionally, the Assistant to the President must be able to direct both the Secretaries of State and Homeland Security, and other cabinet officials to prioritize the collective policy goal of managing migration. The new Assistant to the President should also oversee the personnel and operations of a “White House Office of Immigration and Migration Management”, an office that will have some of the foreign and domestic policy authorities as the National Security Council and the Domestic Policy Council, but will no longer have to work through those councils to direct the interagency.

Conclusion

The United States is at a crossroads with migration management. As a nation, lawmakers can continue to replicate the same failed legal framework that has governed the southern border for the last decade or choose to implement and codify the policies that have proven more effective at preventing irregular migration. Embracing a better approach will allow the United States to harness the benefits of migration, uphold our values to provide humanitarian protections, and create better systems for Americans and migrants alike.

About the Author



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She most recently served as Chief Counsel to the Chairman of the Senate Foreign Relations Committee, where she advised the Chairman on managing migration in the Western Hemisphere. Previously, she served in the Biden administration as the Director of Transborder Security on the National Security Council, where she oversaw a bilateral operation to build a new ports of entry process for asylum seekers. At the ACLU, she led the organization's national immigration advocacy work and on Hillary Clinton's presidential campaign, she served as a policy advisor on battleground state policy issues.

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