

Three Keys to Stabilizing the Southern Border



Stop the criminalization of migration.

- End zero tolerance, “Migrant Protection Program” (Remain in Mexico), and port “metering.”
- Fund the civil immigration system to process migrants timely.
- Invest in upgrades to ports of entry along the border that would include additional scanning technology to better facilitate cross-border movement of people and goods.
- 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.



Stop the separation of families and the detention of children.

- Reject proposals that would permit indefinite detention of families or children or that would limit Flores protections for any child.
- Fund local government agencies and NGOs to provide humanitarian assistance, case management, and community-based alternatives to detention.



Make all aspects of the asylum process transparent.

- Permit international and domestic human and civil rights observers, including attorneys, and child welfare and medical professionals, to inspect and monitor CBP detention facilities and interact with detainees to assess the needs of families and children and recommend the best ways to process them.
- Make publicly available regular DHS reports on the number of processing centers in operation, the population size in each center, the average length of stay in each center, and the average length of stay in all Border Patrol short-term detention facilities.



The Interfaith Immigration Coalition (IIC) is a partnership of faith-based organizations committed to enacting fair and humane immigration reform that reflects our mandate to welcome the stranger and treat all human beings with dignity and respect. Coalition members work together to advocate for just and equitable immigration policies, educate faith communities, and serve immigrant populations around the country.

Faith-Based Border Policy Recommendations

Representing more than 50 faith-based organizations, we believe our moral standing as a society can be measured by our actions toward those most vulnerable among us. A deterrence and enforcement-only strategy at our border has had chaotic and devastating impacts on arriving asylum seekers and is, in many ways, fueling the very migration it seeks to reduce. We call on the administration and Congress to enact humane, efficient, consistent, and just policies that will uphold the dignity of all God's people.

Address the root causes of forced migration and displacement

- **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.
- **Use principled and strong diplomacy** to urge governments to address rampant corruption and spur improvements in protecting human rights and strengthening rule of law, including by enforcing human rights and anti-corruption conditions on aid as well as levying sanctions on corrupt officials.
- **Ensure U.S. foreign assistance does not go toward supporting human rights violators, increasing militarization**, or otherwise exacerbating existing push factors which drive people to leave their homes

Improve and expand access to refugee protections in the United States

- **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.
- **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.
- **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.

- **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.

Uphold access to asylum in a manner that offers a genuine humanitarian response and upholds U.S. and international law

- **Expediently process all asylum seekers** at—and between—ports of entry.
- **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.
- **Reverse Department of Justice rulings that deny protection to those who have fled domestic violence and gang violence and that deny bond hearings** to asylum seekers who entered between ports of entry.
- **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.
- **Reject policies that charge a fee or restrict work authorization** for people seeking safety from violence and persecution.
- **Ensure only asylum officers conduct credible fear interviews (CFIs)** and that they receive the proper training and support to uphold access to asylum protections. This includes the necessary translation services available for CFIs.

Prioritize real humanitarian support for asylum seekers, immigrants, and other vulnerable populations

- **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.
- **Institute universal Legal Orientation Programs (LOPs)**—including for families released from DHS or CBP custody—to explain appearance obligations, the legal system, and how to secure counsel. Such programs have been proven to increase court appearance rates.
- **Improve partnerships with and increase resources for non-governmental organizations (NGOs)** and other 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 and services to vulnerable migrants without fear of or retaliation and harassment from CBP or ICE officials.

Ensure humane, just, and orderly treatment of all asylum seekers, migrants, and people seeking safety

- **Ensure access to lawyers and humanitarian services and ensure all people are released with correct documents.** Allow legal and humanitarian service providers access to all CBP facilities in order to administer Legal Orientation Programs/Know Your Rights presentations, to properly represent clients, and to coordinate travel and family reunification for asylum seekers. Ensure all people are processed and released with correct and full documentation and with full knowledge of the next steps of their claim.
- **Establish more orderly and humane release procedures between DHS and local NGOs** by providing ample, regular notice before releases and ensuring safe release conditions.
- **Ensure short-term processing facilities adhere to strict standards** in order to maintain the safety and wellbeing of those in DHS custody. Facilities must have licensed child welfare professionals, medical professionals and interpreters and must be fully equipped with potable water, appropriate food, separate and enclosed bathrooms/showers, and individual beds/cots. Short-term processing centers must not exceed custody time limits and must not function as additional child/family detention centers. All processing centers must provide timely medical screenings conducted by licensed medical care providers.
- **Fully restore the Family Case Management Program (FCMP)** which supports court appearance and compliance. This casework should be operated by non-profit entities.
- **End family detention** immediately and redirect resources into humane alternatives for asylum seekers and other vulnerable populations. Children should never be incarcerated or needlessly separated from a parent.
- **End criminal prosecution of asylum seekers** (such as unlawful entry, 8 U.S.C. §1325, and reentry, 8 U.S.C. §1326) which have skyrocketed over the past decade and made us less safe by diverting resources from real public safety threats and overwhelming federal courts.
- **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.
- **Make publicly available regular DHS reports** on the number of processing centers in operation, the population size in each center, the average length of stay in each center, and the average length of stay in all Border Patrol short-term detention facilities.

- **Invest in upgrades to ports of entry** along the border that would include additional scanning technology to better facilitate cross-border movement of people and goods.
- **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.

Sources

Latin America Working Group, “Recommendations for U.S. Engagement to Address Migration from and Displacement within the Northern Triangle of Central America,” <https://www.lawg.org/centamrecs19>

The New Yorker, “How Climate Change Is Fuelling the U.S. Border Crisis,”

<https://www.newyorker.com/news/dispatch/how-climate-change-is-fuelling-the-us-border-crisis>

U.S. Citizenship and Immigration Services, “In-Country Refugee/Parole Processing for Minors in Honduras, El Salvador and Guatemala (Central American Minors – CAM),” <https://www.uscis.gov/CAM>

American Immigration Council, “Legal Orientation Program Overview,”

<https://www.americanimmigrationcouncil.org/research/legal-orientation-program-overview>



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Far Better Ways to Use Federal Tax Dollars, In Line with Our Values and Human Dignity

Prioritize investments that respect human dignity

Congress should fund the following programs, services, and structures to insert humanity, compassion, and dignity into U.S. immigration and border policy.

- **Enact responsible border policy and involve local communities in decisions that impact their lives.** Proposals impacting border communities must include true partnerships with border communities in decision-making; recognize the dignity and humanity of people who are migrating; honor the principle of non-discrimination; strive for social cohesion and inclusion; and uphold the inalienable human rights of life, liberty, and the pursuit of happiness. Responsible policies train border authorities in global best practices, including limiting the use of force, and training that prioritizes saving people's lives and avoiding tactics that endanger them. It is equally critical that the United States wholly welcomes asylum seekers and immigrants; provides access to interpretation in a language they understand, along with information about their rights, freedoms, protections, cultural liaisons, and legal assistance.

SOURCES: [Southern Border Communities Coalition \(SBCC\)](#); [Faith-Based Border Policy Recommendations](#)

- **Invest in critical U.S. programs that aid unaccompanied children.** The Department of Health and Human Services (HHS) Office of Refugee Resettlement (ORR) bears responsibility for the care and custody of immigrant children who arrive in the United States unaccompanied (or are forcibly separated from their parents) pending their immigration court proceedings, many of whom are later reunified with a loved one. ORR is in the best position to ensure that unaccompanied children under the protection of the U.S. government receive the full continuum of care they deserve, including: proper shelter and care in the best interest of the child while in ORR custody; community-based services once released; and access to legal assistance. ORR must be fully funded to ensure the agency can provide the full continuum of care, as well as to reunify children with their family members, from whom they were separated, and sponsors.

SOURCES: [U.S. Conference of Catholic Bishops \(USCCB\)](#); [Catholic Church Teachings](#); [National Immigrant Justice Center](#); [Kids In Need of Defense \(KIND\)](#); [Women's Refugee Commission \(WRC\)](#); [Interfaith Immigration Coalition](#)

- **Treat immigrants detained at the border and in the interior humanely.** Passing the Dignity for Detained Immigrants Act (H.R.2415, S.697) would increase oversight over ICE immigration detention and ensure access to health screenings, medical care, nutrition, water, and sanitation services. It is equally important that the same oversight and access to services is exerted over CBP facilities and processing.

SOURCES: Friends Committee on National Legislation
- **Fund community-based alternatives to immigrant detention**, which have proved to be “safer than a detention-based approach, vastly less expensive, and far more effective at ensuring compliance with government-imposed requirements,” according to the National Immigrant Justice Center. Passing the Dignity for Detained Immigrants Act (H.R. 2415, S. 697) would also expand access to these programs.

SOURCES: National Immigrant Justice Center; U.S. Conference of Catholic Bishops; Friends Committee on National Legislation (FCNL)
- **Support communities providing care to newcomers and asylum seekers.** Communities from San Diego to Brownsville are caring for and providing the welcome our administration refuses to extend. Congress should be investing resources to allow community-based, non-governmental organizations to work alongside federal agencies to care for and provide support to families and individuals navigating legal proceedings.

SOURCES: Columban Fathers Missionary Society of St. Columban; Annunciation House; United Church of Christ
- **Provide access to refugee protections for Central Americans.** The U.S. government should 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. In addition, the administration should expand refugee resettlement programs to provide Central American refugees with much-needed alternatives to making the long journey north to claim asylum at the U.S./Mexico border.

SOURCES: Church World Service; International Refugee Assistance Project (IRAP)
- **Fund ORR to assist all vulnerable populations the agency is mandated to serve.** For multiple years, ORR has reprogrammed funding for refugee resettlement services to meet the needs of unaccompanied children. Congress must ensure adequate funding for *all* populations within ORR’s mandate, including refugees, trafficking survivors, asylees, torture survivors, unaccompanied children, Special Immigration Visa (SIV) holders, and others.

SOURCES: Church World Service; Offices of Senator Murphy, Sen. Van Hollen, and Rep. DeLauro
- **Restore U.S. moral leadership in refugee protection.** The world is experiencing the worst crisis of displaced people in history, with over 68 million people pushed from their homes, and 25 million refugees worldwide. Yet, the Trump administration has reduced the number of refugees resettled in the United States by 75%, and set this year’s admissions goal at 30,000 – the lowest level in U.S.

history. Congress should pass the *GRACE Act* (S.1088 / H.R.2146), preventing the President from setting a refugee admissions goal at a level below 95,000 – the historic average. Congress should also use the power of the purse to hold the administration to meeting its very low admissions goal of 30,000 and restore refugee admissions to 95,000 in FY 2020.

SOURCES: Church World Service; Refugee Council USA; Oxfam America

- **Provide international aid for community-building programs** that “counter violence, 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,” in the words of Human Rights First.

SOURCES: Latin America Working Group; Alianza Americas; Human Rights First; Evangelical Lutheran Church in America (ELCA)

Stop funding tools that disregard migrants’ humanity

Federal spending on border and immigration enforcement has skyrocketed since the 1990s. Border militarization, mass incarceration of immigrants, and an abhorrent lack of oversight have led to unspeakable human tragedies, including the recent deaths of children and transgender migrants in U.S. custody and the misuse of solitary confinement.

U.S. taxpayers should know what immigration restrictions their hard-earned paychecks are funding, how the administration is mismanaging federal tax dollars, and the consequences for human lives. This summer’s funding debate begins with the following policies and structures already in place:

- **20k border agents:** In 1993, the United States had just over 4,000 U.S. Border Patrol agents. In FY 2018, there were nearly 20,000. The vast majority (16,000) operate along the Southern Border. (Source: American Immigration Council)
- **8k deportation agents:** In FY 2003, there were just over 2,700 deportation agents working for ICE. In FY 2018, that number had grown to 8,000. (Source: American Immigration Council)
- **6,500 “special” agents for criminalizing workers:** ICE also has 6,500 agents within their Homeland Security Investigations (HSI) unit. HSI has been involved in massive workplace immigration raids and other initiatives aimed at criminalizing work. (Sources: American Immigration Council, Immigrant Legal Resource Center)
- **ICE spending +103%:** Spending on ICE functions, including immigrant detention and deportation, has increased from \$3.3 to \$6.7 billion since the creation of DHS. (Source: American Immigration Council)
- **CBP spending +149%:** Likewise, funding for Customs and Border Protection, which includes the Border Patrol, also skyrocketed between FY 2003 and FY 2019, from \$5.9 billion to \$14.7 billion. (Source: American Immigration Council)

The mass incarceration of immigrants deserves separate attention:

- **Immigrant detention +600%, largest level in history:** The government is currently incarcerating 52,000 immigrants in more than 200 jails across the United States. This is the largest number of immigrants detained for civil immigration cases in history, up from 7,000 in FY 1994. (Sources: [Buzzfeed News](#); [The Marshall Project](#))
- **This is 10k more humans than the number Congress authorized:** Congress appropriated money to detain 40,520 immigrants, which is already too high, but this was not enough for ICE. In FY 2018, ICE took money from other programs to expand immigration detention far beyond what Congress authorized. (Source: [National Immigrant Justice Center](#))
- **This is actually human warehousing:** It is called “civil detention,” but in reality, it is jail, with all the same restrictions on liberty and conditions of confinement. ICE consistently opposes release of any and all immigrants eligible for bond. The agency even fights the release of asylum-seekers who have won their cases. The goal is to break people’s spirits so that they give up and accept deportation. Congress should not participate in this tactic of abuse by funding it. (Source: [ACLU](#))
- **The deaths in CBP and ICE custody and recent DHS Inspector General reports point to the need for more oversight of detention and the robust use of alternatives to incarceration.** The administration must be held accountable for abuse and poor conditions in immigration jails, both public and private. Functioning alternatives to detention should be the default policy rather than incarceration. (Sources: [Detention Watch Network](#), [Freedom For Immigrants](#))
- **Mass incarceration of immigrants is big business for private prison industry:** Over 60% of detained immigrants are held in private prisons, and U.S. taxpayers pay 52% more to detain immigrants in these jails as compared to government-run facilities. (Source: [Freedom For Immigrants](#)). A day after the 2016 presidential election, stock prices rose 21% for GEO Group and 43% for CoreCivic. In FY 2017, the two companies raked in a combined \$4 billion in revenue. (Source: [Migration Policy Institute](#)).



NATIONAL IMMIGRATION FORUM

Founded in 1982, the National Immigration Forum advocates for the value of immigrants and immigration to our nation. In service to this mission, the Forum promotes responsible federal immigration policies, addressing today's economic and national security needs while honoring the ideals of our Founding Fathers, who created America as a land of opportunity.

For 30 years, the Forum has worked to advance sound federal immigration solutions through its policy expertise, communications outreach and coalition building work, which forges powerful alliances of diverse constituencies across the country to build consensus on the important role of immigrants in America.

Humanitarian Upgrades to Manage and Assist our Nation's Enforcement (HUMANE) Act of 2019

Sen. John Cornyn (R-Texas) and Rep. Henry Cuellar (D-Texas) introduced the Humanitarian Upgrades to Manage and Assist our Nation's Enforcement (HUMANE) Act of 2019 ([S. 1303/H.R. 2522](#)) on May 2, 2019.^[1] This bicameral bill attempts to resolve the current humanitarian challenge at the Southern border.

The bill would permit longer-term family detention, expanding the amount of time that migrant children can remain in immigration facilities with their parents, and permit expedited departures of unaccompanied migrant children coming to the U.S. from countries other than Mexico and Canada, reversing existing limitations on that practice. The bill would also make it harder for individuals to apply for asylum, among other provisions. This document provides a summary of the bill's key provisions.

Migrant Children

Changes Treatment of Migrant Children in Family Units. The bill would permit the indefinite detention of migrant children and their parents by requiring the Department of Homeland Security (DHS) to hold family units during the pendency of their immigration proceedings, which can take years. (*Section 2*).

- Establishes that the Flores Settlement Agreement, which governs the conditions of children held in immigration detention, does not apply to migrant children who are apprehended with their parents along the Southern border. (*Section 2*).

- Requires DHS to verify the relationship between migrant children and their parents or other family members by photographing and collecting biometric information from apprehended migrant children, and provides for the use of DNA analysis. (*Sections 2 and 11*).
- Provides that migrant children apprehended with family members who are not their parents are to be treated as unaccompanied migrant children. (*Section 2*).
- Directs DHS and the Department of Justice (DOJ) to prioritize immigration court proceedings for migrant families in detention “[t]o the maximum extent practicable.” (*Section 2*).

Changes Protections for Unaccompanied Migrant Children. The bill would amend the William Wilberforce Trafficking Victims Protection Reauthorization Act (TVPRA) to require that all unaccompanied migrant children (UACs) be subject to the contiguous country (*i.e.*, Mexico and Canada) screening. As a result, migrant children may withdraw their requests for admission to the U.S. without understanding the full consequences and with no immigration court hearing. Currently, migrant children from non-contiguous countries cannot be returned on an expedited basis and must be placed into the custody of the Office of Refugee Resettlement (ORR) during the pendency of proceedings (*Section 3*).

- Provides that U.S. Customs and Border Protection (CBP) would screen all UACs within 48 hours of being apprehended to determine whether they are a trafficking victim, have fear of return and/or are otherwise admissible to the U.S. UACs that do not fit into those protected categories and are able to make an independent decision to withdraw their admission to the U.S. would be able to choose to return home without an immigration court hearing. (*Section 3*).
- Requires mandatory expedited removal for UACs who have committed a broad range of offenses, including entering the U.S. without documentation more than once when he or she knew the entry was unlawful. (*Section 3*).
- Directs DHS and DOJ to ensure immigration court proceedings for UACs are “prioritized and expeditiously adjudicated.” (*Section 3*).

Limits Release of UACs to Sponsors. The bill would limit the ability to place an UAC who is in removal proceedings with a nongovernmental sponsor unless the sponsor is the biological or adoptive parent of the child and is legally present in the U.S. (*i.e.*, not undocumented), among other requirements. The bill also establishes new requirements to conduct home studies to prevent UACs from being placed in the custody of dangerous individuals. (*Section 6*).

- Obligates HHS to provide DHS and DOJ with “any relevant information” about a UAC and his or her sponsor for law enforcement purposes, upon request, including immigration enforcement. (*Section 4*).
- Requires HHS to notify the governor of a state before placing an UAC into the care of a facility or sponsor in such state and to provide a monthly report to the governor on the number of UACs in the state by locality and age. (*Section 8*).

Asylum Seekers

Requires Arriving Asylum Seekers to Apply at Ports of Entry. The bill would amend existing asylum law by requiring arriving migrants to apply for asylum at a designated port of entry. The bill makes individuals who arrived in the U.S. anywhere other than at a designated port of entry ineligible for asylum under most circumstances. (*Section 10*).

Establishes Regional Processing Centers. The bill directs DHS to establish at least four regional processing centers to process migrant families in “high traffic sectors” of the Border Patrol along the Southern border. (*Section 13*).

- Establishes that DHS would “expeditiously” transport all migrant families apprehended by CBP in such sectors to the nearest regional processing center for criminal history checks, DNA analysis, medical screenings, and asylum interviews and credible fear determinations, among other activities. (*Section 13*).
- Requires DOJ to assign at least two immigration judges to each regional processing center to adjudicate immigration proceedings of migrant families held in the centers. (*Section 13*).

Border Security and Immigration Enforcement

Authorizes Additional CBP and ICE Personnel. The bill would authorize CBP to hire more than 600 Office of Field Operations (OFO) officers for the ports of entry each year until the total number of OFO officers equals the staffing levels recommended each year in CBP’s Workload Staffing Model. The bill also authorizes Immigration and Customs Enforcement (ICE) to hire no fewer than 1,000 new Enforcement and Removal Operations (ERO) officers, 665 ERO support personnel, and 128 attorneys in the Office of the Principal Legal Advisor to assist with removal, asylum, and custody determination proceedings. (*Section 14*).

Improves Port of Entry Infrastructure. The bill would provide DHS with authority to construct new ports of entry along the Southern and Northern borders. The bill also requires DHS to modernize the top 10 high-priority ports of entry on the Southern border by September 30, 2021. (*Section 15*).

Imposes New Bars on Visa Overstays. The bill would make all individuals with nonimmigrant visas, such as tourist visas, ineligible for all immigration benefits or relief if they overstay their visa for a period of more than 30 days, with few exceptions, and to sign an acknowledgement confirming that they have been notified of such provisions. The bill directs DHS to detain individuals who subsequently overstay their visa and deport them through expedited removal within 90 days from the date they were detained. These provisions do not apply retroactively. (*Section 17*).

Other Provisions

Engagement with Mexico and Guatemala. Within 270 days after the bill’s enactment, DHS would be required to submit a strategy to Congress detailing how the U.S. should engage with the governments of Mexico and Guatemala regarding cooperation to secure the Mexico-Guatemala border. (*Section 16*).

Reports to Congress. The bill requires the federal government to submit a set of reports to Congress on UACs no later than September 30, 2020. One of the reports, to be submitted by HHS, must include a detailed summary of ORR facilities and contractors being used to house UACs, the number of UACs released to a sponsor with undocumented status, and an assessment of the extent to which HHS is making efforts to educate UACs about their legal rights and provide them access to pro bono counsel, along with other information. (*Section 9*).

[1] Sen. Cornyn and Rep. Cuellar previously introduced the HUMANE Act ([S. 2611/H.R. 5114](#)) on July 5, 2014, though a significant portion of the bill’s provisions have changed.