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## What Does a Secure Border Look Like?

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To ensure lasting and meaningful change at the border, border security reforms must happen in tandem with other improvements to the immigration system. The American Immigration Lawyers Association (AILA) offers the following recommendations for efficient border processing that maintain our nation's commitments to asylum, due process, and access to counsel, as well as broader recommendations for managing migration.

### **Modernize border processing to ensure efficient and meaningful access to asylum and due process.**

- ***Establish an Office of Migrant Protection*** to coordinate the multi-agency, rapid scale-up of screening and protection capacity at high-volume areas on the southern border. This new office should establish short-term reception centers to manage efficient processing across agencies. The reception centers should not be run by for-profit corporations and must guarantee meaningful screening for asylum and full access to legal counsel. Nonprofits that provide legal orientations and social service support should have access to noncitizens without limitations.
- ***Modernize and expand infrastructure at Ports of Entry (POEs)*** to accommodate more asylum seekers and increase processing personnel. CBP's Office of Field Operations (OFO) should be resourced to maintain sufficient well-trained staff, more lanes at POEs, and increased operating hours to ensure timely processing of vehicular and pedestrian traffic for local residents, visitors, merchants, and migrants.
- ***Expand and strengthen USCIS asylum corps*** and ensure that USCIS asylum officers who are trained in asylum law perform asylum screenings in a trauma-informed manner, including the Credible Fear Interview (CFI) and the asylum merits interview.
- ***Target smuggling operations*** that place already vulnerable migrants in even greater danger. Smugglers rely on social networks to spread disinformation and lure migrants. These networks need to be interrupted, prosecuted, and put under pressure.

### **Use an "all of government approach" to leverage multiple agencies, improve efficiency, and alleviate pressure on the southern border.**

- ***Establish uniform policies, centralized systems, and appropriate information sharing between CBP, ICE, USCIS, and EOIR.*** For example, DHS and DOJ should create a centralized way to change a noncitizen's address with all applicable agencies and to access a noncitizen's immigration record without filing a FOIA. Uniform policies and centralized systems will enhance communication and data sharing, which will in turn, reduce backlogs, avoid delays, and increase efficiency and fairness.
- ***Focus DOJ and EOIR resources on ensuring that timely, accurate information about removal proceedings is easily accessible*** to noncitizens in removal proceedings. Congress should increase funding for Legal Orientation Programs (LOP) and legal representation pilot programs. EOIR must reform notice procedures and dedicate significant resources to providing accurate and timely information on hearing dates and times. EOIR should also increase support staff to ensure

received motions are timely filed, noncitizens and respondents are able to contact court staff, and court staff can quickly update information in systems.

- ***Maximize government resources by building community-based case management programs*** to replace detention centers as the default. Alternatives to detention such as case management programs are effective, making detention unnecessary to ensure compliance with immigration. Case management programs operated by community-based non-profits give ICE more flexibility to release someone from detention while continuing to require conditions, such as in-person check-ins. Immigration detention is also an enormous and unnecessary government [expense](#) at a cost of \$148.62/day per migrant. In contrast, the average daily cost of providing case management can be as little as \$14.05/day per migrant.
- ***Help receiving communities' welcome new arrivals***. Receiving communities need federal support to help new arrivals and newcomers. Border communities welcoming new arrivals and communities throughout America welcoming newcomers are stepping up. Since managing immigration is a federal responsibility, local communities need the backing of the federal government to strengthen private and public efforts to welcome new arrivals and settle newcomers.

#### **Expand and improve legal channels to the United States for those seeking work, safety and family unity**

- ***Expand innovative responses to the region's changing migration patterns such as using parole programs***. Parole programs for additional countries beyond Ukraine and Venezuela are nimble responses to shifting migration patterns. We could learn from the Venezuelan parole program, which allowed some Venezuelan nationals to come to the U.S. but was extremely narrow and was paired with denying access to asylum for Venezuelans at the southern border. New programs should not be replacements for refugee programming or access to asylum and should not limit the legal right to seek asylum at the southern border.
- ***Eliminate the visa backlog for both employment and family green cards*** by recapturing unused immigrant visas. Families and business should not need to wait decades for a loved one or critical employee to immigrate.
- ***Reduce case processing times at USCIS and DOS*** by leveraging technology to streamline processing, adequately funding both agencies, and ensuring sufficient staffing. These resources would allow legal processing to be a viable option.
- ***Expand our refugee program***, especially within the Western Hemisphere, to ensure we can adequately respond to the widespread displacement that creates pressure on our southern border. The United States is on track to resettle only a small portion of the 125,000-cap set for 2022.
- ***Expand private sponsorship programs*** that encourage private citizens to sponsor refugees from countries in conflict. An expanded sponsorship program would be an additional avenue that would allow the United States to nimbly respond to migration pressures.
- ***Expand nonimmigrant employment programs*** such as H-2A and H-2B that will simultaneously address our economic needs and seasonal migration.
- ***Ensure that the Department of Labor (DOL) foreign labor certification process***, including prevailing wage determinations, are designed to nimbly meet our economic demands, while protecting all workers.

**Ensure agencies involved have adequate resources to meet the task at hand.**

- ***Adequately fund USCIS and DOS to ensure sufficient hiring of asylum officers and to address the existing backlog*** caused by the COVID emergency and the mismanagement under the prior administration.
- ***Adequately fund CBP OFO to ensure that POEs can handle increased processing***, as outlined above.
- ***Renew and extend FEMA Emergency Food and Shelter humanitarian grants*** to ensure the organizations and local governments providing necessary services can be properly funded.
- ***Allow virtual check-in appointments with ICE*** for noncitizens who are in removal proceedings to ease physical space constraints and staff limitations and make compliance easier.

**Decrease migration pressures through investment and partnership with other nations**

- ***Build on coordination with our regional partners to navigate the changing migration patterns of the Western Hemisphere***, including consulting with the International Organization on Migration (IOM) and United Nations High Commissioner for Refugees (UNHCR). The focus of coordinated efforts should be on humanitarian programs, including those that support economic development and political stability to reduce regional migration pressures, and not involve the use or funding of the detention and removal programs of other countries.
  - Work with regional partners to ensure that all displaced migrants are properly screened for protections under international law as well as opportunities for status.
  - The United States should not undercut our asylum laws by signing onto bilateral arrangements that prevent people from leaving third countries where they do not have access to resettlement options or may be subjected to persecution or violence.