



**U.S. House of Representatives  
Committee on Natural Resources**

**“Destroying America’s Best Idea: Examining the Biden  
Administration’s Use of National Park Service Lands for  
Migrant Camps.”**

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**Testimony of Eleanor Acer  
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Chairman Westerman, Ranking Member Grijalva, and distinguished Members of the Committee, thank you for the opportunity to testify before you today. My name is Eleanor Acer, and I serve as Human Rights First's Senior Director for Refugee Protection. I have over twenty-five years of experience monitoring and advocating for adherence to human rights and refugee law. Human Rights First is an independent, non-profit organization that, for more than four decades, has pressed the United States to take a lead role in promoting, defending and upholding human rights. It has partnered with human rights defenders in Cuba, El Salvador, Hong Kong, Russia, Saudi Arabia, Ukraine and elsewhere around the world and, here at home, with attorneys, veterans and many others.

Human Rights First also works with volunteer lawyers at many of the nation's leading law firms through our offices in New York City, Los Angeles and Washington DC to provide pro bono legal representation to refugees seeking asylum, helping thousands to receive protection in this country. These have included pro-democracy advocates and victims of religious persecution from China, journalists forced to flee Guatemala, Ethiopia, Honduras, Iran, and Nigeria, LGBTQ+ people seeking protection from persecution, victims of political repression from Venezuela, Syria, Egypt and Nicaragua, and Indigenous and other families targeted due to their opposition to brutal armed groups with transnational reach in Honduras, El Salvador, and Guatemala.

My testimony will focus on some of the key steps that the Biden administration and Congress should take to ensure and sustain humane, legal and orderly processes as U.S. communities – both at the border and across the country – receive migrants and people seeking asylum. These include steps to significantly improve access to work permits, increase critical funding to support reception in border and destination communities, properly resource humanitarian aid, resettlement, safe shelter in Mexico and adjudications, and to reject and counter dangerous rhetoric painting migrants and asylum seekers as threats or “invaders.”

### **Upholding Asylum is Morally Right and Politically Popular Across Party Lines**

The right to seek asylum is a fundamental human right enshrined in the Universal Declaration of Human Rights. In the wake of World War II, the United States helped lead efforts to draft the Refugee Convention, which along with its Protocol, prohibits the return of people to persecution. United States law specifically provides for people in search of refuge to seek asylum at ports of entry and after entering the United States.

The majority of American voters, across party lines, believe that the United States should provide asylum to people fleeing persecution or violence in their home countries.<sup>1</sup> Many Americans are the children, grandchildren, and great-grandchildren of people who fled political, religious and other persecution. Moreover, lawmakers of both parties also believe the right to asylum should be protected.

Over recent years, the human rights situations in many countries in the Americas have deteriorated, pushing people—including people from Cuba, Haiti, Nicaragua and Venezuela—to flee in search of protection, safety and stability.

Contrary to anti-immigrant rhetoric, the reality is that the vast majority of the world's refugees are hosted by countries other than the United States. In fact, of the 7.3 million people who have fled Venezuela in search of safety and stability, about 6 million are hosted in Colombia, Ecuador, Peru and other countries in Latin America and the Caribbean. Costa Rica is hosting over 200,000 or more Nicaraguans, and experienced a five-fold increase in total asylum claims in the first six months of 2022, as compared to the year before. Mexico hosts about 500,000 refugees and asylum seekers, though many face grave threats to their safety there. The United States is more than capable of humanely receiving and fairly processing the

asylum claims of the portion of people seeking refuge here from repression, violence and persecution. But the steps identified in my testimony today are crucial to doing so.

### **Migrants and Asylum Seekers Should be Provided Prompt Work Authorization**

The prompt provision of work permits is critical to supporting U.S. communities receiving asylum seekers and migrants, as well as for migrants and asylum seeker to be able to work to support themselves and their families. Swift access to work permits is a top concern to both asylum seekers themselves and the communities hosting new arrivals.

The reality is that immigrants have always been, and will continue to be, a great benefit to New York City. In a letter to President Biden and Congressional leaders, New York City business community leaders [stressed](#) that “there is a compelling need for expedited processing of asylum applications and work permits for those who meet federal eligibility standards” and explained that “[t]here are labor shortages in many U.S. industries, where employers are prepared to offer training and jobs to individuals who are authorized to work in the United States.” One hundred executives of major corporations signed the letter. The Speaker of the New York City Council and the Executive Director of the New York Immigration Coalition also [explained](#) that providing work permits and TPS would “help alleviate our overburdened shelter and social service systems, delivering necessary relief to our social infrastructure.” Mayor Eric Adams of New York repeatedly urged the Biden administration to issue work permits to asylum seekers more quickly.

Last week, the Biden administration announced important steps to improve work authorization processing, as well as to redesignate and extend TPS for Venezuelans. These moves will help enable more people to work, house and support themselves more quickly – and were welcomed by New Yorkers, including the [Mayor](#) and non-profit organizations. The steps include important action to address work permit processing delays and to lengthen the validity period of certain work permits to five years.

But more action is urgently needed to address work permit delays. The Biden administration should take additional steps, and work with Congress to ensure, prompt provision of work authorization for asylum seekers.

For example, the Biden administration should advance additional [key reforms](#) including to immediately act to permanently expand the automatic extension of work authorization for immigrants with pending work permit renewal applications by issuing an interim final rule. In addition, the administration should support, and Congress should enact, [statutory reforms](#) to reduce the 180 day waiting period for work authorization and eliminate the two-year renewal schedule which prevents many people seeking asylum from working to support themselves and their families, and deprives host communities of much needed workers.

The Biden administration should also move ahead with other necessary and warranted redesignations, extensions, and designations of TPS which will enable migrants and people seeking asylum from these countries to apply for work authorization and will [benefit U.S. communities](#). The administration should redesignate and extend TPS for Cameroon, Sudan, South Sudan, El Salvador, Honduras, Nicaragua and Nepal, and provide new designations for countries, that meet the program’s statutory requirements, including the Democratic Republic of the Congo, Guatemala, Mali, Mauritania and Nigeria. The Biden administration should also provide quick access to work authorization for parolees by providing it on arrival as was done for Ukrainian nationals who were paroled into the United States.

## **Leverage Faith-Based and Refugee Aid Organizations, and Increase SSP Funding**

To enhance arrival and reception efforts, the Biden administration should redouble efforts to leverage and coordinate with the network of humanitarian organizations, including faith-based groups, legal nonprofits, and refugee assistance agencies with offices across the country. Many have substantial experience assisting new arrivals and long track records of working with CBP and other U.S. agencies. Some provide refugee assistance and management around the world. Congress should strongly support these initiatives which are critical to U.S. communities, CBP operations, and the migrants and asylum seekers they assist.

The Biden administration should develop and continue to pursue increased funding for the Shelter and Support program to disburse funds as needed (rather than on a reimbursement model), remove limitations on the use of funds for transportation and shelter costs and [safeguard](#) the program's humanitarian funding structure. Congress in turn should increase SSP funding. It should also [continue](#) to express concern that the funds are routed through CBP given its track record of misusing humanitarian funds, and provide rigorous oversight to ensure problems with the distribution and coordination of funds are immediately addressed. We urge that transmission of actual funds that have been awarded through this program are transferred to the receiving organizations without delay so as to ensure this vital work is not impacted by any potential government shutdown.

In addition, the Biden administration should work with Congress to increase funding to all cities receiving migrants and asylum seekers, including by [supporting](#) the [ASPIRE Act](#). That bill would provide an additional \$10 billion for EFSP and SSP funding, helping to lay the foundation for the robust coordination that border and interior communities urgently need.

## **Real, humane, legal and effective asylum policies and border strategies**

The Biden administration should double down on some of the effective, humane and legal policies that it has already initiated or announced, and reject those that punish, ban and block people seeking asylum. Key steps include to redouble efforts to expand regional refugee resettlement, strengthen the administration's pivotal parole initiatives, increase critical humanitarian aid to help remedy the regional protection gaps that have been pushing many to flee north, urgently increase support for safe shelter and other dire needs of people waiting in northern Mexico, maximize access to asylum at ports of entry, properly staff asylum and immigration court adjudications, and improve and restart use of the Biden administration's new asylum processing rule to help adjudicate more asylum cases more efficiently.

Congressional support is essential to assure the appropriations needed to implement effective solutions, including to properly ramp up resettlement, regional humanitarian aid, and U.S. reception and adjudication capacities. By contrast, the failure of Congress to appropriate necessary resources—including a government shutdown—is sure to thwart orderly migration management and adjudications.

The Biden administration should bring its harmful asylum ban policy, which it pledged would only be temporary, to its end now and honor his [campaign promise](#) to end such restrictions. A federal district court ruled in July that the asylum ban is unlawful, but it remains in place on appeal. Not only does the policy violate both U.S. and international law, but it has generated strong and diverse opposition from faith-groups, Holocaust survivors, major unions, civil rights organizations, members of the president's political party and other key Biden administration allies. Every day that it is left in place, it continues to endanger refugees and subvert refugee law.

Congress must also reject attempts to codify into law policies that ban, block or turn away people seeking refuge without providing asylum hearings or interviews that comply with U.S. and

international refugee law. Like the Biden and Trump asylum bans, the Trump administration's Title 42 and Remain in Mexico policies were also failed policies that violated and evaded immigration law, inflicted disorder and dysfunction at the border, and led to massive human rights abuses. These dysfunctional policies also spurred repeat entries, led to family separations, pushed people seeking asylum to cross outside ports of entry, and inflated border statistics. Human Rights First tracked at least 1,544 publicly reported cases of kidnappings, murder, torture, rape and other violent attacks against people returned to Mexico under MPP during the Trump administration, and over 13,480 kidnappings, torture, and other attacks against asylum seekers and migrants impacted by the Title 42 policy during the first two years of President Biden's administration.

It is deeply concerning to see many of the most harmful and ineffective policies from recent years included in legislation passed by the House. The "Secure the Border Act of 2023" is a patchwork of extreme anti-immigrant proposals that would shut down the U.S. asylum system and target families and children for the cruelest forms of mistreatment.

Counterproductive policies such as Title 42 and Remain in Mexico have also benefited the criminal cartels that control extensive territories. As Human Rights First detailed in a February 2022 report, cartels adapted to turnback policies by targeting the very asylum seekers turned away by CBP—kidnapping them, purporting to charge them for the right to remain in Mexico, torturing them and demanding ransom payments from their U.S. family members. Some of these organizations worked to actively prevent asylum seekers from approaching ports of entry, as the restoration of port of entry processing for asylum seekers threatens the cartels' control and extortion efforts. Now they are actively targeting people who wait to seek asylum in northern Mexico, driving some to cross in urgent search for safety.

Ending the failed Title 42 policy does not mean that the U.S. border is "open." It means that U.S. immigration and refugee law can no longer be evaded by the specious invocation of "public health" authority. Policies that ban, block and turn away people seeking asylum are not a solution, they are part of the problem.

The last thing that Congress or the Biden administration should do is to attempt to force, prolong, codify, or resurrect policies that violate U.S. law and obligations under international refugee law and inflict disorder, family separation and massive human rights abuses on people seeking refuge.

### **Anti-Immigrant Narratives Endanger Communities and Drive Harmful Policies**

Anti-immigrant fear-mongering that paints migrants and people seeking asylum as threats and "invaders" fuels white supremacist conspiracy theories and violence targeting Black, brown, immigrant, Jewish and other people, as Human Rights First's experts on extremism and antisemitism have detailed in a recent fact sheet. By portraying immigrants as an existential threat to native-born Americans, this type of rhetoric makes violence more likely, as we have seen in recent years. Eleven people in Pittsburgh and 23 people in El Paso were murdered by white supremacists animated by fears of supposed immigrant "invaders." As these horrifying attacks demonstrate, we cannot divorce this "invasion" rhetoric from its violent and racist origins.

These narratives often rely on a vitriolic combination of disinformation and bigoted stereotypes. For example, immigrants are often portrayed as criminal or violent, even when extensive research shows native-born Americans are much more likely to commit crimes than are immigrants. In recent years, immigrants have been increasingly blamed for the devastating growth of fentanyl usage across the country, despite the reality that fentanyl is most likely to enter the United States through legal points of entry by U.S. citizens.

Lawmakers must refuse to provide a platform for this rhetoric and must swiftly call out racist

fearmongering and counter disinformation with reliable and accurate data. To prevent Congressional hearings from serving as vehicles to further popularize extremist rhetoric, lawmakers must effectively challenge the disinformation, bigoted stereotypes, and conspiracy theories on which these narratives rely. For example, 115 Members of Congress co-sponsored [H. Res. 413](#), which condemns the white supremacist “great replacement” conspiracy theory and the terrorist attack targeting the Black community it inspired in Buffalo, New York. Representative Raskin, Ranking Member of the Committee on Oversight and Accountability, publicly [called on his fellow Committee members](#) to denounce white supremacy. Lawmakers, especially those in positions of leadership, can and must proactively and repeatedly counter such statements on the public record, ensure the voices of targeted communities have representation, and support efforts to protect the rights of migrants and asylum seekers.

### **Recommendations for Upholding Refugee Law**

Instead of seeking to prolong, use or resurrect inhumane and counterproductive policies that were part of the Trump administration’s agenda, the Biden administration and Congress should work together to:

- Increase support for human rights and refugee hosting capacity in other countries in the Americas, addressing gaps in regional protection, including through efforts to support development of strong asylum systems, reception capacities, access to employment, and protection of rights and safety of refugees and migrants in Mexico and other countries in the Americas. Urgently enhance aid for safe shelter, humane reception and dire needs of people waiting in northern Mexico to seek asylum.
- Ramp up, speed up, support and strengthen regional and global refugee resettlement, improve parole and other safe migration pathways in the Americas, but never use the existence of such pathways to deny access to asylum.
- Uphold refugee law at U.S. borders without discrimination, including to maximize (rather than restrict or “meter”) asylum at ports of entry, and ensure people seeking asylum have prompt access to ports of entry—not limited to CBP One, but also assured to people approaching ports of entry to seek asylum. Maximizing asylum at ports of entry after years of blockage is essential not only to uphold refugee law, but also to end the counterproductive consequences of Trump policies that, by restricting and blocking access to asylum at ports of entry, have long pushed populations that previously sought asylum at ports of entry to instead attempt to cross the border.
- Immediately rescind the Biden administration’s asylum ban, which punishes refugees and bars them from asylum. Stop subjecting asylum seekers to expedited removal which diverts adjudication resources and is being used to alter the credible fear standard, including through dangerously fast-tracked screenings in CBP custody where asylum seekers do not have meaningful access to counsel.
- Implement a humanitarian, rather than a punitive and attempted deterrence-based, approach to refugee protection through effective, sustainable, humane [refugee reception](#) agency structures, coordination, [funding mechanisms](#), and case support to address the lack of dedicated humanitarian and refugee protection structures that has long hampered the U.S. response to people seeking refuge at its own borders.
- Upgrade asylum adjudication processes so they are accurate, fair, properly staffed, and prompt, including: improve the [new asylum rule process](#) so it leads to efficiency rather than rushed and counterproductive inaccurate adjudications, fund sufficient asylum adjudication capacities to address asylum backlogs and ensure timely adjudication of new cases, and support and

champion funding for legal representation.

- Stand firm against anti-immigrant rhetoric and efforts, and unequivocally reject attempts to exploit Congressional hearings as opportunities to platform dangerous anti-immigrant conspiracy theories. Reject and oppose anti-asylum Congressional proposals, including efforts to force continuation or enactment into law of the Trump administration's cruel, racist, and counterproductive policies. Draconian policies will not appease perpetrators of xenophobic, racist rhetoric, but will inflict massive human suffering, create more dysfunction, and subvert refugee law globally.

Human Rights First has detailed these steps in its comprehensive [recommendations](#) paper issued in January 2023. These strategies lay out a more humane and effective approach.

Let's be clear: we are not, by any stretch of the imagination, an "open borders" nation. Any such assertion is patently false. For example, CBP conducts security checks of people seeking entry at ports of entry or otherwise encountered, and puts people into removal proceedings, expedited removal, and/or refers them to ICE for check-ins. Too often they send people seeking refugee protection to immigration jails. Human Rights First has issued countless reports documenting past and present [asylum bans](#) and the horrifying [impact of Title 42](#). Unfortunately, our government has repeatedly focused on harsh, rights-violating policies that attempt to deter and punish people seeking to migrate or request asylum at the border, only exacerbating bottlenecks and dangerous conditions along the Southwest border and in detention.

Instead of prolonging, codifying, using, or resurrecting unjust, inhumane, and dysfunctional policies aimed at decimating asylum that were initiated under the Trump administration, the Biden administration and Members of Congress should uphold U.S. refugee law, the human right to seek asylum, and U.S. commitments under international refugee law. This includes abandoning efforts to ban or deny asylum to refugees who are otherwise eligible for asylum under U.S. law.

The crisis we are facing is a *global humanitarian crisis*; people are fleeing their home countries due to a rise in political instability, authoritarianism, human rights abuses, climate change, and more. The United States is not meeting the moment, nor is it leading by example; other nations, including those with far less capacity than ours, are welcoming and hosting the overwhelming majority of the world's refugees. We can and must do better to uphold refugee law at home.