



Written Statement from Bridges Faith Initiative (BFI)

House Judiciary Committee

A Hearing of the Subcommittee on Immigration and Citizenship:

The U.S. Immigration System: The Need for Bold Reforms

Thursday, February 11 2021, Rayburn House Office Building, 2141

I. Introduction

Bridges Faith Initiative (BFI) appreciates the Judiciary Committee Subcommittee on Immigration and Citizenship for holding this critical hearing, “The U.S. Immigration System: The Need for Bold Reforms.” As a national faith-based non-for-profit organization that is on the frontline, fighting for immigrant justice, our moral compass guides us to advocate for policies and laws that keep families together, protects vulnerable individuals, and treats everyone with human dignity. After all, unless we are Native American, we all have an immigrant story in the United States. Immigrants are not only people we should welcome, immigrants are us, our family, our neighbors, and our friends.

Over the past four-years we have been in crisis mode, pushing back on hundreds of newly introduced immigration rules, regulations, and policies that have inflicted unnecessary cruelty, hardships, and endangered the lives of the communities we support. That the past administration’s hundreds of policies and deterrence-based immigration approach has profoundly damaged our immigration system is reflected by the build-up of refugee camps at our Southern border, the mistreatment of unaccompanied children, separation of families, and the reduction in due process and access to justice afforded immigrants coinciding with an exponential growth in immigration detention facilities.

Many problems resounding in our immigration system today are attributable to the past administration, but many more are due to systematic flaws and that existed long before the Trump administration. Nonetheless, it is clear, the U.S. immigration system is inherently weak, and, so long as this is the case, implementing humanitarian protections and immigration laws will continue to fall foul to political exploitation.

BFI believes that bold action on immigration reform is needed, so long as these efforts translate into sensible, human-centered reforms that reflect contemporary realities. To this end, BFI is submitting this statement for the record to shine the spotlight on some of the egregious border policies that contradict our laws and moral values and offer recommendations on actions Congress can take that will have immediate, life-saving impacts in the lives of children, families and individuals. Notably, we are advocating for restoring and transforming our asylum system, protecting children, and rooting out systemic racism.

II. **Bold Immigration Reform Means Strengthening and Transforming our Immigration System so Fewer Children, Families and Asylum Seekers are placed in harms way**

Under U.S. [domestic law](#) and international treaty commitments, seeking asylum is lawful, however, policies and actions taken by the prior administration have made it extremely difficult for individuals fleeing for their lives to seek asylum. As it currently stands, the U.S. asylum system has been decimated by numerous regulatory actions, memos, proclamations, Executive Orders, and immigration agency policies. Under the guise of the pandemic the administration fulfilled its ultimate goal of bringing an end to asylum, even for unaccompanied children, by directing the CDC to issue an [order](#) to not allow individuals traveling without documents to enter the U.S. border. Consequentially, CBP has been bestowed with discretionary power to rapidly expel asylum seekers back to the harm that they fled from instead of allowing for individuals to be screened at the border.

Bold steps must be taken by Congress not only to right the wrongs of the past administration, but to pave the way for a better tomorrow-where protecting the lives of individuals at the border is central to our asylum system. Being bold means ending bad policies that are designed to deter asylum seekers, emanate from racial bias, ignore facts, and leaping forward with policies that do what our immigration system should do-treat people with dignity and respect. With this in mind, BFI recommends that Congress act swiftly to end Metering, Migrant Protection Protocols, and Title 42 and enact immigration reforms that will positively impact and protect asylum seekers, children and their families.

(1) Metering

[“Metering”](#) is a policy championed by the Trump administration whereby asylum seekers that arrive at a port of entry are told to wait in Mexico, usually placing their names on a list, until Customs and Border Patrol (CBP) officers determine that a particular port of entry has capacity to process them. Metering provides CBP with unbridled discretionary powers to determine who can and cannot enter the U.S. to seek asylum. As a result, [the legality of this policy is](#) tenuous at best, and horrific in practice as it overlooks the dire humanitarian needs and plight of asylum seekers and dehumanizes individuals by reducing them to a number.

On October 27, 2020, the Department of Homeland Security (DHS) Office of the Inspector General (OIG) released a report based on their investigation into metering, [CBP Has Taken Steps to Limit Processing of Undocumented Aliens at Ports of Entry \(dhs.gov\)](#). One of the main findings was that that DHS leaders and CBP officers lied about processing capacity at ports of entry in order to justify

turning away asylum seekers. The [DHS OIG report](#) also found that then-Secretary Nielson, “told the ports that processing inadmissible aliens (who include asylum seekers) was not one of CBP’s main priorities, and they should consider re-assigning staff away from processing such aliens to focus instead on detection and apprehension of narcotics and currency smugglers.”

BFI recommends ending metering to right the Trump administration’s misguided policy and for Congress to take bold action to reform CBP. An agency with [rampant racism](#) and [white nationalism](#) should not have full control over the border and unfettered power to determine when, where, and who can and cannot seek asylum. There must be more Congressional oversight and efforts directed towards rooting out systemic racism and white nationalism at CBP. Finally, to better protect vulnerable unaccompanied children, Congress should take note of recommendations from the [American Academy of Paediatrics](#) and other child welfare experts and enact legislation making it mandatory for CBP stations to have child welfare experts not just border enforcement officers at ports of entry.

(2) Migrant Protection Protocols (MPP)

The second anniversary of the Migrant Protection Protocols (MPP), commonly referred to as, [Remain in Mexico](#), just passed on January 29. Under this policy migrants, asylum seekers that arrive on our southern border are forced to wait in Mexico until the conclusion of their immigration hearings. BFI was thrilled to hear that the [Biden administration has stopped](#) enrolling migrants in MPP, however, we are extremely concerned for the livelihood of thousands of individuals, including children, hundreds of toddlers and babies that have been returned to Mexico ¹.

On October 11, 2019, [Reuters News](#) was the first to report the following data collected by the Executive Office Immigration Review (EOIR) on children returned to Mexico since January 2019:

- 16,000 children under 18 years of age
- 4,300 children under 5 years of age
- 481 toddlers
- 500 infants

To put the data in perspective, as of October 3, 2019, 1/3rd of the 50,000 individuals who were returned to Mexico were children. While the sheer volume of children that have been sent to

Mexico is disturbing, BFI is appalled with dangerous and unhygienic living conditions that children are subjected to while having to wait for their immigration court hearings to conclude, which can take weeks to years. Essentially, the policy writ large has been allowed to continue without adequate child welfare protections. This, BFI, finds deplorable and we encourage Congress to conduct more oversight and investigate the plight of children returned to Mexico and allocate funding to community organizations that can help provide support to asylums seekers and families once they are permitted to enter the U.S.

As it is currently being implemented, the 'Remain in Mexico' policy is harmful to children in that it:

- Exposes them to actual and threats of violence,
- Increases their likelihood of catching life-threatening illness,
- Denies them of educational opportunities,
- Compounds the trauma that they have experienced in their home country, and
- Fails to ensure that children's basic needs are met like clean water, food and shelter.

BFI appreciates the Biden administration for taking immediate action to stop enrolling individuals in MPP, however, this crisis will not be over until every person enrolled in MPP is brought to safety and has their day in court.

(3) Centers for Disease Control and Title 42 Expulsions

Since March 2020, purportedly in response to the pandemic, the administration has been expelling asylum seekers, including unaccompanied children as opposed to affording them an opportunity to request asylum. Authority to expel asylum seekers at the border comes from the Center for Disease Control [Order suspending the right to introduce certain persons into the United States from countries where a quarantinable communicable disease exists](#). To this day, CBP has been using the order to rapidly turn away asylum seekers, without giving them the opportunity to seek asylum, even if they express a fear of persecution. From March 2020-October 2020, [204,000 migrants and asylum-seekers](#), including [8,800 unaccompanied children](#) have been expelled.

BFI is grateful that the [Biden administration](#) has called for the end to Title 42 expulsions for unaccompanied children. However, we are deeply concerned with the known and unknown harms that this policy has had in the lives of unaccompanied children and asylum seekers and urge Congress to take additional actions to prohibit all Title 42 expulsions. [Public health and medical](#)

[experts](#) have also weighed in to express their concerns with using the pandemic as a justification for expelling asylum seekers and arguing that:

The United States has the ability to both safeguard public health in the midst of the COVID-19 response and safeguard the lives of children, families and adults seeking asylum and other humanitarian protection at the U.S. southern border, as public health experts have [repeatedly stressed](#) in letters urging revocation of policies that expel, block and turn back to danger children, families and adults seeking refuge.

BFI supports the medical experts [recommendations](#).

III. BFI Bold Immigration Policy Recommendations

BFI is hopeful that America will return to a place where immigrant dreams are made, but, first, we have to attend to more serious matters, like re-committing to our international and domestic legal commitments to provide humanitarian protections and improving the way in which we treat individuals seeking protection. The Biden Administration's campaign promises and initial Executive Orders, and removal of the disparaging term 'alien' from the Immigration and Nationality Act are important first steps in the right direction. Recognizing that the damage to our immigration system requires complex and multifaceted bold human-centered solutions, BFI encourages Congress to take these bold steps forward without hesitation, lives are at stake.

The following are some key BFI recommendations to help Congress enact bold immigration reforms:

- End metering and reform CBP to ensure that policies and practices protect, not jeopardize the human rights, civil rights, and well-being of migrants. More needs to be done to address white nationalism amongst the rank and file of the CBP. No officer that is affiliated or supportive of white nationalist groups should be allowed to work at the border, this is common sense. Hire child-welfare staff to ensure that children's needs are protected.
- Rescind the Migrant Protection Protocols, also known as Remain in Mexico program, which allows non-Mexican asylum seekers to dangerous locations in Mexico while their asylum claims are adjudicated. Also, parole into the U.S. all asylum seekers with pending cases who are waiting in Mexico and release them to family, friends, or a community-based program while cases proceed in immigration court.

- Follow the medical experts [recommendations](#) and end expulsions under Title 42 in which individuals seeking asylum are expelled from the U.S. rather than processed and provided an opportunity to make an asylum claim.