



Asylum Access at the Border

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What is the border?

Two-thirds of the U.S. population, or about 200 million people, reside within this expanded border region, according to the 2010 census. Most of the 10 largest cities in the U.S., such as New York City, Los Angeles, and Chicago, fall in this region. Some states, like Florida, lie entirely within this border band so their entire populations are impacted.



Border Policies

Immigration Enforcement

Due to fear in the community based on Trump's campaign promises and mass raids during the first months of his administration, a group of different organizations in San Diego created the San Diego Rapid Response Network.

Zero Tolerance Policy

Implemented in April 2018. It required a prosecutor to charge every case referred for prosecution under 8 U.S.C. § 1325(a) without regard for individual circumstances.

Rescinded under the Biden Administration

Family Separation

- The height of family separations occurred in the spring and summer of 2018.
- Biden creates the Interagency Task Force on the Reunification of Families – identified **3,914 children who were separated** from their parents between July 2017 and January 2021
- Prior to the establishment of the Task Force, **2,031** children had been reunified.
- As of January 17, 2023, the Task Force has facilitated the reunification of 599 children with their parents in the United States.

Border Policies

Migrant Protection Protocols (MPP)/Remain in Mexico

MPP forced people to remain in danger somewhere in Mexico prior to accessing the asylum system in the U.S.

According to Human Rights First, through February 2021 there were at least 1,544 publicly documented cases of rape, kidnapping, assault, and other crimes committed against individuals sent back under MPP. Multiple people, including at least one child, died after being sent back to Mexico under MPP and attempting to cross the border again.

Title 42

Border expulsions are currently being carried out through section 265 of Title 42 under the pretext of protecting public health.

Over 1.8 million expulsions have been carried out since the pandemic began. **Title 42 has led to a significant increase in repeat crossings at the border.** In fact, 1 in 3 apprehensions since Title 42 expulsions began have been of a person on at least their second attempt to cross the border.

The Biden Administration not only continued using this policy – in part due to court order - but it has expanded it.



CBP ONE™

In January 2023, the Biden administration announced that CBP One would be the primary method for migrants arriving at the U.S.-Mexico border seeking asylum at a port of entry to preschedule appointments for processing.

CBP One also became the only way that Cubans, Haitians, Nicaraguans, and Venezuelans seeking to secure travel authorization to obtain parole through special programs for those nationalities can submit their biometric information to CBP.

The use of CBP One to pre-process asylum seekers has raised concerns both about gaining access to a legal right through a smartphone app and about the privacy implications of the app.



End of the Public Health Emergency

Biden's administration announced on January 30th it will end COVID-19 emergency declarations on **May 11**.

What this means for T42


The Biden administration told the Supreme Court on Feb 7th that its intent to let the coronavirus public health emergency expire in May will moot the ongoing case over a Trump-era border restriction. The government has also recently announced its intent to adopt new Title 8 policies to address the situation at the border once the Title 42 orders end. Oral arguments for T42 case at SCOTUS scheduled for March 1st were suspended.

Asylum Transit Ban

DHS and DOJ proposed rule to provide that individuals who circumvent available, established pathways to lawful migration, and fail to seek protection in a country through which they traveled on their way to the United States, will be subject to a rebuttable **presumption of asylum ineligibility** in the United States unless they meet certain exceptions. Individuals who cannot establish a valid claim to protection under the standards set out in the new rule **will be subject to prompt removal under Title 8 authorities, which carries a five-year ban on reentry. To go into effect before May 11.**

What can LWV do?

- BE ON THE LOOK OUT AND SIGN ON TO LETTERS AGAINST THE USE OF EXPEDITED REMOVAL, THE ASYLUM TRANSIT BAN AND OTHER HARMFUL POLICIES/PRACTICES.
- SUBMIT INDIVIDUAL PUBLIC COMMENT AGAINST THE ASYLUM TRANSIT BAN.
- ISSUE ORGANIZATIONAL STATEMENTS AND CONTINUE ENGAGEMENT ON SOCIAL MEDIA.
- CONGRESSIONAL OUTREACH IS NEEDED - SPECIALLY TO ENCOURAGE MEMBERS TO ISSUE STATEMENTS AND TO SUBMIT COMMENTS TO THE ADMINISTRATION.
- CONTINUE TO EDUCATE OURSELVES AND OTHERS ABOUT BORDER AND ASYLUM ISSUES.
- FOLLOW ADVOCACY ORGANIZATIONS ON SOCIAL MEDIA.



We believe that this Administration has a legal and moral obligation to welcome people with dignity, to stop criminalizing and vilifying immigrants, and to stop further border militarization. We need to restore and rebuild our asylum and immigration systems, not create or recreate inhumane, illegal and dangerous policies against those coming to our country seeking safety and protection for themselves and their loved ones.