



Immediate Response Recommendations for the Southern Border March 2021

There is an ongoing humanitarian situation at the southern border that requires the Biden administration – and Congress – to immediately revisit how we manage changing demographics and increasing numbers of asylum seekers. Increased flow is undoubtedly a byproduct of the Trump administration's policies. Still, it is also a result of decades of failed deterrence policies and years of regional insecurity in Latin America. People seeking asylum do not make the U.S. any less secure, and narratives to the contrary are misinformed or purposefully hyperbolic.

Short-term (30-90 days) recommendations to expand capacity and enhance the asylum process, including **authorizing immediate supplemental funding** conditioned on continued control and supervision by DHS of unaccompanied children placed with sponsors while they await judicial review.

Expand Capacity

1. **Establish at least four regional processing centers (RPCs)¹ in the interior of the U.S. for families and unaccompanied minors.**
 - 1.1. Include staff and resources to:
 - 1.1.1. Conduct criminal background and investigations, collect and analyze biometrics, and conduct rapid DNA testing;
 - 1.1.2. Provide medical screenings and services, acute mental health services, and COVID-19 containment, treatment, and prevention;
 - 1.1.3. Ensure access to nutritional food and water, secure sleeping arrangements, recreation space, and short-term educational activities for children and for all other immediate necessities
 - 1.1.4. Equip RPCs with facilities, personnel, and technology to conduct initial credible fear screenings and physical and virtual judicial hearings; and
 - 1.1.5. Provide comprehensive oversight and monitoring of RPC conditions and ensure adherence to regulations and law
 - 1.2. Conduct credible fear determinations at regional processing centers when possible
 - 1.3. Transfer families and unaccompanied minors from the border to an RPC within three days
 - 1.4. Length of stay for children *and* families (an extension of Flores) is less than 20 days, per the Flores Settlement Agreement
2. **Require temporary, emergency appointments by each state governor in consultation with the Attorney General and state immigration professional organizations of at least 100 immigration judges per state – including corresponding support staff – to handle expedited reviews of families and unaccompanied children seeking asylum. Plan for three-month terms of service; renewable indefinitely to address immigration backlog.**

¹ Originally proposed in the CBP Families and Children Care Panel Final Report to the Department of Homeland Security, November 14, 2019. Available: https://www.dhs.gov/sites/default/files/publications/fccp_final_report_1.pdf.



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3. Increase the number of permanent immigration judges by no fewer than 500 judges and corresponding support staff.
4. Hire additional USCIS asylum officers to conduct credible fear interviews at RPCs.
5. Hire no fewer than 100 medical personnel to conduct initial screenings at ports of entry and border patrol stations, and staff RPCs.
6. Allow for the Attorney General to enter into contracts with or award grants to nonprofit agencies providing direct services and goods to asylum seekers where possible.

Enhance Process

7. Establish an expedited timeline – last in, first out – for families and unaccompanied children to have asylum hearings before immigration judges, ideally within 90 days of release from RPC; provide adequate notice for teleconference hearings.
8. Require verification of parental status or legal guardianship of adult accompanying a child, including criminal and civil record check, background check, biometric identification, and fingerprinting; coordination with countries of origin to supplant and verify information attested to by asylum applicants; includes security provisions on privacy, limited use, and length of storage; encourages information-sharing and cooperating with biometric collection in Mexico.
9. Expand the definition of “family unit” to include certain extended family members – aunts and uncles, adult siblings, and grandparents – traveling with children and proof of familial relationship and prioritize placement of siblings together.
10. Assign all unaccompanied children in government custody a child advocate that assists with placement with sponsor, oversight, and information about legal rights and processes.
11. Require asylum officers to recommend legal counsel in particularly complex cases.
12. Utilize existing asylee/refugee resettlement community, faith-based organizations, and nonprofits to provide services and necessities for families awaiting hearing.
13. Allow DHS/CBP/ICE to accept in-kind donations at the southern border to aid waiting asylum seekers.
14. Employ Family Case Management Program in applicable cases.
15. Require consultation and cooperation with UNHCR, local groups, and parents or legal guardians to ensure effective and safe repatriation;
16. Prohibit repatriation without UNHCR confirmation that the child will be safely placed with a legal guardian or parent; absent assurance, the child must remain in U.S. custody.