



Asylum Seeker Rapid Response Program

Carla Mendoza, UnidosUS *Avanzando* Fellow

SUMMARY: Political unrest in the Northern Triangle, that which includes El Salvador, Honduras, and Guatemala, as well as aggressive immigration policy responses to the influx of immigrants coming to the United States, has created a humanitarian crisis at the border with Mexico. This memo advocates for the creation of **an Asylum Seeker Rapid Response Program** that financially, politically, and socially assists qualified

community-based organizations and non-profit entities in providing services to address this crisis. This memo requests funding for the implementation of this program and advocacy for better immigration policies impacting asylum seekers moving forward.

Representative Nadler can assist in pushing legislation that advocates for the rights of asylum seekers post detention, and legislation that helps them transition into the US American political and social system much easier. Representative Nadler's mission is to fight "For the People," and for this reason he has sponsored legislation like H.R. 541, the Keep Families Together bill and H.R. 3006, the Permanent Partners Act, both progressive immigration bills that advocate for the rights of those vulnerable within the immigration system.

BACKGROUND: The amount of families apprehended and detained at the border has dramatically increased, and despite this growth, little is known about how these families fare after they are released from detention centers. It is known however that detained families face significant barriers seeking asylum in the court system as they face barriers accessing the courts and legal representation. Furthermore, the asylum process can take years to conclude. It is even possible that an individual may file his or her application and receive a hearing or an interview years later. The rise in asylum seekers instead has been addressed with the militarization of the U.S.-Mexico Border, and racist immigration policies that have subjected families to separation policies and in some cases overdetention.* These immigration policies have particularly affected women of color, trans women of color, and children.

* Craig Haney, "Conditions of Confinement for Detained Asylum Seekers Subject to Expedited Removal," Report on Asylum Seekers in Expedited Removal (USCIRF 2005), 184-87, 191-92.

Children and women previously detained in the United States suffer from mental* and physical health problems that include depression, post-traumatic stress disorder, and frequent infections.† The American Immigration Council's report on Access to Counsel in Immigration Court, found that asylum seekers post-detention rarely have access to council or health resources. Thus, asylum seekers are left to deal with their lack of health and legal resources on their own, all while facing discrimination as women, trans women, and people of color.

KEY OUTCOMES: If Representative Nadler acts on these recommendations: The issues Representative Nadler seeks to address through this funding program will be elevated to the state level, and legislators in similar foreign-born-resident-heavy districts will follow the acts of the Representative. This then will allow for collaborative New York asylum policies that will support local immigrant communities as a whole.

APPROACH:

1. **Bolster strong, inclusive policies and practices** – in order to create cohesiveness within the District, the Representative must advocate for the Asylum Seeker Rapid Response Program that will aid asylum seekers in their legal process. By involving Asylum Seekers within larger advocacy efforts, the district will benefit from social, economic, and cultural advantages of a diverse and secure community.
2. **Strengthen progressive policies and initiatives** – As stated, Representative Nadler already has a record in advocating for progressive immigrant policies, yet it is imperative this continues. There is even a growing need for representatives to work with other representatives in asylum seeker and immigrant communities.
3. **Respond to emerging immigration legal needs** – in 2017, the City saw a cascade of federal immigration policy shifts and increases as well as a historic investment in civil legal services. The City's commitment to ensuring asylum seeker's access to justice is essential to protecting city residents' rights and the safety of the city, thus the City must be up to date with changing immigration policies that may jeopardize the safety of a progressive city like New York.

* Letter from Drs. Scott Allen & Pamela McPherson, Medical Subject Matter Experts to the DHS Office of Civil Rights and Civil Liberties, to Senate Whistleblowing Caucus (July 17, 2018), <https://www.wyden.senate.gov/download/doctorscongressional-disclosure-swc>; Alice Farmer, The Impact of Immigration Detention on Children, 44 Forced Migration 14-16 (2013).

† Kathryn Shepherd & Royce Bernstein Murray, The Perils of Expedited Removal: How Fast-Tracked Deportations Jeopardize Asylum Seekers (Am. Immigration Council, 2017), <https://www.americanimmigrationcouncil.org/research/expedited-removal-asylum-seekers>

4. **More specifically, it is imperative Nadler work alongside other representatives to condone the privatization of detention centers.** This is perhaps one of the biggest issues asylum seekers are facing to this day. The issue of privatized detention centers introduces issues of overdetention and asylum seekers being denied parole despite qualification.

CONCLUSION: Establishing an Asylum Seeker Rapid Response Program to respond to the growing need for the support of asylum seekers who have been victims to unjust zero-tolerance policies that have acted as barriers to their right to seek asylum in the United States.