

Addressing Our Border Challenges Through a Framework That is Firm, Fair and Free of Cruelty



Recent UnidosUS polling of Latino voters has shown that, like other Americans, Hispanic voters are increasingly frustrated by the situation at the border and are more likely to support a variety of measures to bring order to our southern border.

In response to this hunger for border action, UnidosUS has crafted a Three-Point Border Plan that reflects <u>the priorities</u> of Latino voters who want a well-managed and secure border through an approach that is **firm, fair and free of cruelty.**

In concrete terms, these principles aim to offer alternatives to migration to the border, strengthen border management and uphold our obligations to international law by:

- 1. Establishing a **firm**, consistent set of enforceable rules at the border and cracking down on human smugglers.
- 2. Providing asylum seekers with a **fair** and meaningful opportunity to seek protection in the United States or another country; and
- 3. Rejecting inhumane measures like restricting access to asylum at the border and mass deportations in favor of providing relief for the long-residing undocumented and establishing a **cruelty-free** infrastructure that helps migrants navigate the complexities of the U.S. immigration system.

We believe that this plan and its recommendations offer the right path forward to address our country's border challenges.

1. Firm and enforceable rules at the border.

The absence of consistent rules at the border, together with an outdated and under-resourced border infrastructure, has hindered the United States' ability to regulate immigration to the border and effectively secure the border. More than three quarters of Hispanic voters are concerned about the situation at the U.S.-Mexico border, and nearly half are very concerned.

Latino voters want policymakers to fix this problem. When it comes to border security, the Hispanic electorate overwhelmingly prioritizes cracking down on human traffickers and drug smugglers. They also support expanding funding for additional border patrol and security. Sufficient investment in the infrastructure and personnel is needed to carry out border processes and enforce the rules.

- Invest in the country's border infrastructure to tackle smugglers operating in the U.S.-Mexico border: Congress must sufficiently fund ports of entry and Customs & Border Protection (CBP) field offices with enough staff and facilities to target the movement of illicit substances and human smugglers across the border. Congress should <u>fund</u> technology infrastructure such as tunnel detection capabilities to target smugglers and make basic upgrades like building functional roads with proper lighting and sight lines at the border to facilitate the targeting of drug and human smugglers that operate in these regions.
- Allow the DHS Secretary to temporarily incentivize individuals to seek asylum
 at ports of entry: The Department of Homeland Security (DHS) Secretary
 should be granted the authority to prioritize the adjudication of asylum cases for
 those seeking protection at official ports of entry over those who cross between
 ports of entry. DHS and other agencies should also deploy staff, resources
 and temporary housing facilities to support these asylum seekers. Greater
 investments so migrants can reliably access CBP One to make appointments at
 ports of entry is needed.
- Establish a metered, staged process for better managing the custody release of migrants who pass the initial asylum screen: While DHS must fulfill its obligation to allow children to leave CBP custody within 72 hours, the DHS Secretary should, in coordination with migrant-receiving communities, meter the release of other groups such as single adults. A better managed plan to release migrants across the country would ensure receiving communities can prepare for new arrivals who can fill labor needs and/or mitigate their short-term impact on local resources. Authorities should incentivize released migrants to appear at their adjudication hearings, including through legal services support and monitoring.

2. Give migrants a fair shot at entering the United States legally.

Latino voters are broadly sympathetic to immigrants arriving at the U.S.-Mexico border. They understand that most people crossing the border are looking for work, fleeing violence or trying to reunite with family members. The Hispanic electorate wants the U.S. to partner with other countries to expand opportunities to seek protection elsewhere and process asylum applications outside of the U.S. In order to



reduce influxes of migrants at the U.S.-Mexico border, then, asylum seekers and other migrants need fair alternatives to seek protection across the Western Hemisphere instead of traveling to the border.

- Expand legal pathways available to enter the United States and other countries: The United States needs a modern legal migration system with more avenues for migrants to enter the country. In the absence of congressional action, the executive branch should build on the early successes of its parole program for Cuban, Haitians, Nicaraguans and Venezuelans and use its authority to continue to create new legal pathway programs on an ad hoc basis. Similarly, the U.S. should encourage and support other countries to do the same. Canada's recent decision to allow 15,000 individuals to arrive through a bespoke humanitarian legal channel shows that other countries can help reduce pressures at the U.S.-Mexico border and other ones in the region that migrants cross to reach the United States.
- Provide USCIS and DHS with the staffing and resources to process increases in immigration applications: The U.S. needs to provide more legal pathways to live and work in our country and it needs to provide them quicker. Lawmakers should give the U.S. Citizenship and Immigration Services (USCIS) the resources and authority to rapidly expand its staff to reduce existing backlogs and keep up with immigration adjudications, including recruiting workers from other government agencies and waiving "double-dipping" rules to bring back retired federal workers.* Providing migrants with timely access to work authorization through statuses like "Temporary Protected Status" (TPS) is critical to promoting self-sufficiency and reducing the strain on public and charitable services.

^{*} This proposal has helped the U.S. government process significant numbers of immigration applicants. The influx of Southeast Asian refugees in the 1970s and the implementation of the legalization program in the 1986 Immigration Reform and Control Act (IRCA) saw the Immigration and Nationalization Services, DHS' predecessor, establish systems for processing applications from these populations. The deployment of "retired" federal employees who knew federal procurement rules and how to fill out forms helped these programs succeed.

- Recommit to having USCIS officers adjudicate asylum cases at U.S. borders:

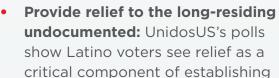
 Broadly, allowing asylum officers to conduct the initial adjudication of an individual's case would address the asylum backlogs in the immigration court system. It would also protect the asylum system's integrity by producing faster decisions for bona fide asylum applicants and returning individuals ineligible for protection to their home countries. The Biden administration should recommit to fully implementing this idea into practice,* a measure Congress should formally incorporate into the asylum system to make it more efficient.
- Continue to support and expand regional visa processing centers outside of the United States where migrants can meaningfully access legal pathways to the country: While the United States is working with other countries in the hemisphere to establish Safe Mobility Offices (SMOs) large-scale regional visa processing centers outside of the U.S. each SMO <u>currently serves</u> different sets of nationalities and offers a limited number of pathways programs for eligible groups. The United States and partner States should expand the scope of services and eligible populations to <u>maximize the potential</u> for the SMOs to manage migration and provide viable alternatives to traveling to our southern border.
- Work with hemispheric partners to support the expansion of legal pathway access to the United States and other countries: Although the United States has signed the Los Angeles Declaration on Migration and Protection to begin managing migration with other countries, the U.S. needs a new round of collective measures to manage and organize migration to the U.S.-Mexico border. The next administration should push for cost-sharing mechanisms for supporting countries that lack the resources to receive migrants and support safe havens for in-region processing in their territories. Second, Canada, Mexico and the United States should examine whether they can use the TN visa for NAFTA Professionals as a novel route for individuals seeking to migrate into North America.

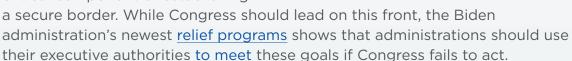
^{*} Although the Biden administration <u>implemented</u> this concept in 2022, it largely <u>paused</u> this effort in April 2023 to allow asylum officers to tackle caseloads for winding down the Title 42 policy that emerged under the Trump administration. DHS <u>resumed</u> limited processing for certain non-detained family units located near cities that conducted these reviews in mid-October 2023.

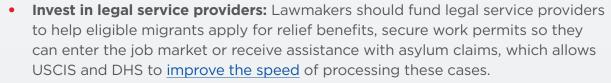
3. Invest in a cruelty-free immigration infrastructure that promotes self-sufficiency for migrants and provides relief for the undocumented

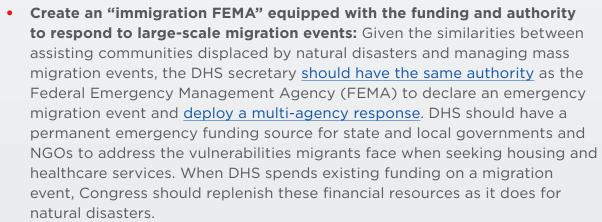
Hardline immigration policies like finishing the border wall or deporting all undocumented immigrants receive very little support within the Hispanic electorate, especially when Latino voters want policymakers to provide a path to citizenship for long-residing undocumented immigrants and support cities receiving new

arrivals. In addition to providing relief to the undocumented, the federal government should allocate funding to help local governments and legal service providers successfully assist migrants in the country. Congress should also provide resources and create protocols that allow DHS and USCIS to oversee and fund these tasks, steps that need staffing and resources from the federal government.











About UnidosUS

UnidosUS is a nonprofit, nonpartisan organization that serves as the nation's largest Hispanic civil rights and advocacy organization. Since 1968, we have challenged the social, economic, and political barriers that affect Latinos through our unique combination of expert research, advocacy, programs, and an Affiliate Network of nearly 300 community-based organizations across the United States and Puerto Rico. We believe in an America where economic, political, and social progress is a reality for all Latinos, and we collaborate across communities to achieve it.

For more information on UnidosUS, visit <u>www.unidosus.org</u>, or follow us on Facebook, Instagram, LinkedIn and X.