

The Real Solution

Regional Response Rather than Border Closures, Mass Incarceration, and Refugee Returns

The Trump Administration has purposefully mismanaged the refugee and humanitarian challenges pushing people to flee political repression, human rights abuses, economic deprivation, and climate displacement in Honduras, Guatemala, and El Salvador. Trump Administration policies have actually made things worse, cutting programs countering displacement, turning a blind eye to human rights abuses, encouraging crossings between official ports of entry, and punishing people seeking U.S. protection through punitive and traumatizing family separations and detention. These harmful policies have aggravated humanitarian challenges—deliberately provoking disorder, chaos, and confusion.

Congress must take swift action to push real solutions, and over the longer term the next administration will need to ensure these solutions are enduring. Congress should champion a new initiative to strengthen protection across the region. This initiative must truly tackle the rights abuses and deprivations pushing people to flee, greatly enhance the capacity of Mexico and other countries to provide asylum and host refugees, and set a strong example at home by upholding America's own refugee protection commitments.

Upholding human rights commitments is not only the right thing to do, it is also in the U.S. national interest. These commitments have saved millions of lives and encourage countries around the world—including front-line countries that host the vast majority of the world's refugees—to continue hosting refugees. The heroic work of many Americans—working and volunteering with faith-based shelters, community groups, legal representation, and other organizations—should be supported. They are, and always have been, an essential part of the solution.

The measures outlined below would restore order to the region and the U.S. border while upholding the United States' legal and humanitarian commitments. Key steps include:

- 1. Address the actual causes of displacement in Honduras, Guatemala, and El Salvador.** The United States should increase support for effective programs that counter violence, strengthen justice systems, spur economic opportunities, and safeguard communities from climate displacement, so that people do not need to flee in search of safety or survival. In addition, U.S. diplomats must press the leaders of these countries to safeguard rights, support anti-corruption efforts, and address abuses from security forces.
- 2. Strongly support increased asylum and refugee-hosting capacity in Mexico and other Latin American countries,** so that these countries—which are already hosting growing numbers—have the ability to continue accepting refugees. Asylum filings in Mexico, for example, have increased by over 700 percent since 2014. The United States should sharply increase support for the UN Refugee Agency (UNHCR) to increase regional capacity, to develop strong asylum and refugee protection systems in Mexico, Costa Rica, Panama and other countries, and to better integrate refugees. U.S. diplomacy, law enforcement cooperation, and rule of law assistance should be leveraged to reduce violence against migrants in Mexico. In addition, the United States should launch a regional resettlement effort, providing some refugees with routes to safety in the United States as well as other countries, and relaunch the Central American Minors (CAM) program to allow some children with family in the United States to come to our country safely.
- 3. Combat smuggling in the region while safeguarding access to protection.** U.S. agencies must ensure anti-smuggling and anti-trafficking efforts do not block escape from dangerous countries and include

measures to safeguard human rights and access to asylum. By strengthening asylum, resettlement, and work visas in the region, more refugees and migrants will have alternate routes to protection.

4. **Manage U.S. asylum arrivals effectively through a genuine humanitarian response that upholds U.S. law and provides order**, including:
 - **Restore timely and orderly asylum processing at ports of entry** and ensure humane conditions at all Department of Homeland Security (DHS) facilities;
 - **End the Remain in Mexico scheme and “metering” policies** that push people to cross between ports of entry and put the lives of asylum seekers at risk as they wait in danger in Mexico;
 - **Support and fund NGOs and shelters in the United States**—including faith-based groups that have been effectively partnering with DHS in U.S. cities along the border—to address humanitarian needs, a typical and necessary move in managing refugee arrivals; and
 - **Launch a community-based case management program** that supports appearance, as recommended by ICE’s own advisory group, rather than jailing asylum seekers for even longer.
5. **Restore order through measures providing timely, fair, and effective U.S. adjudications**, including:
 - **Increase, rather than “get rid of,” immigration judges and interpreters.** In order to understand what is being said in their courtrooms and ensure due process, judges must be supported by interpreters. And, since a judge set on furthering a politicized agenda is worse than no judge at all, safeguards against politicized court hiring must be immediately restored. Additional measures to support due process include: increased recruitment of interpreters who speak indigenous dialects to assure accurate hearings and prevent continued adjournments, ensuring the time necessary to gather evidence to prove cases, and rejecting absurd schemes that would entrust protection determinations to border agents or rush cases through adjudications;
 - **Support a major legal representation initiative to ensure eligible refugees receive protection at the earliest stages of the process** and institute universal legal orientation presentations (LOPs)—including for families released from DHS/Customs and Border Protection (CBP) custody—to explain appearance obligations, the legal system, and how to secure counsel;
 - **Enable more cases to be granted efficiently at the USCIS asylum office** by providing initial decision-making authority to the asylum office in all asylum cases, changing policies and practices that have prompted asylum officers to refer, rather than grant, cases that meet the asylum criteria—unnecessarily adding them to the immigration court caseload—and assure the availability of an application process for “cancellation of removal” relief so these cases do not clog the asylum system;
 - **Make the immigration courts independent**, as the American Bar Association recommends, to secure due process and judicial independence, ensuring that political appointees can no longer attempt to improperly influence the courts’ decisions in asylum and other cases; and
 - **Reverse Trump Administration efforts to prevent refugees from receiving asylum in the United States**—including former Attorney General Sessions’ ruling attempting to deny protection to women who have fled domestic violence and families escaping from deadly gangs.

The measures outlined above would restore order and bring about real and enduring solutions. As the president and top Trump Administration officials are doubling down on punitive policies and political rhetoric that fail to solve these challenges, Congress must demand effective strategies that are consistent with America’s ideals.