

BRIEFING ROOM

FACT SHEET: The Biden Administration Blueprint for a Fair, Orderly and Humane Immigration System

JULY 27, 2021 • STATEMENTS AND RELEASES

The United States can have an orderly, secure, and well-managed border while treating people fairly and humanely.

In January, the Biden-Harris Administration launched a broad, whole of government effort to reform our immigration system, including sending to Congress legislation that creates a new system to responsibly manage and secure our border, provide a pathway to citizenship, and better manage migration across the Hemisphere.

In the six months since, the Administration has made considerable progress to build a fair, orderly, and humane immigration system while continuing to call on Congress to make long overdue reforms to U.S. immigration laws. We successfully processed over 12,500 people who had been returned to Mexico under the Migrant Protection Protocols. We expanded lawful pathways for protection and opportunity, including the Central American Minors (CAM) program to reunite children with their parents in the United States. We strengthened collaborative migration management with regional partners, including through a new Human Smuggling and Trafficking Task Force to disrupt and prevent migrant smuggling and human trafficking operations. And we continue to deter irregular migration at our Southern border.

The Biden-Harris Administration has accomplished this and more while reckoning with the prior Administration's cruel and reckless immigration policies, which exacerbated long-standing challenges and failed to securely manage our border. Case in point: the total number of unique encounters at the Southern border to date this fiscal year remains below the total number of unique encounters to date during fiscal year 2019 under the Trump Administration.

Today the Administration is releasing a blueprint that outlines the next steps Federal agencies will be taking to continue implementing the President's transformative vision for a 21st century immigration system that secures the border, fairly and efficiently considers asylum claims, strengthens regional migration management efforts in North and Central America, and addresses the root causes of migration from Central America. Success in building this fair,

orderly, and humane immigration system won't be achieved overnight, especially after the prior Administration's irrational and inhumane policies, but this Administration has a blueprint to get there and is making real progress.

We will always be a nation of borders, and we will enforce our immigration laws in a way that is fair and just. We will continue to work to fortify an orderly immigration system.

ENSURING A SECURE, HUMANE AND WELL-MANAGED BORDER

The United States can allow people to exercise their legal right to apply for asylum while also reducing irregular migration and maintaining an orderly, secure, and well-managed border.

- **Making better use of existing enforcement resources.** Since fiscal year 2011, U.S. Customs and Border Protection's (CBP) discretionary budget has grown from \$9.9 billion to \$15 billion in FY 2021. The President's Budget redirects resources from a needless border wall to make robust investments in smarter border security measures, like border technology and modernization of land ports of entry, that are proven to be more effective at improving safety and security at the border. These investments will serve as a force multiplier to the over 19,500 Border Patrol Agents currently helping secure our Nation's borders and the over 25,500 CBP Officers working at our land, air, and sea ports. The investments will also facilitate more robust and effective security screening to combat human smuggling and trafficking and the entry of undocumented migrants.
- **Improving the expedited removal process for those who arrive at the border.** The Administration is working to improve the expedited removal process at the border to fairly and efficiently determine which individuals have legitimate claims for asylum and other forms of protection. Asylum and other legal migration pathways should remain available to those seeking protection. Those not seeking protection or who don't qualify will be promptly removed to their countries of origin.
- **Facilitating secure management of borders in the region** by providing training and technical assistance, supporting the improvement of border infrastructure and technology, and promoting collaborative migration and border management approaches.
- **Strengthening anti-smuggling and anti-trafficking operations** by working with regional governments to investigate and prosecute individuals involved in migrant smuggling, human trafficking, and other crimes against migrants. In April 2021, DHS announced Operation Sentinel, a new operation targeting organizations involved in criminal smuggling.

- **Bolstering public messaging on migration** by ensuring consistent messages to discourage irregular migration and promote safe, legal, and orderly migration.

IMPLEMENTING ORDERLY AND FAIR PROCESSING OF ASYLUM APPLICATIONS

The Administration is committed to fairly and efficiently considering asylum claims. Asylum and other legal migration pathways should remain available to those seeking protection. But those not seeking protection or who don't qualify will be returned to their country of origin.

- **Establishing a dedicated docket to consider asylum claims.** The Administration has set up a special immigration court docket to promptly and fairly consider the protection claims of certain recent arrivals.
- **Further improving the efficiency and fairness of the U.S. asylum system** by authorizing asylum officers to adjudicate asylum claims for those arriving at the border and establishing clear and just eligibility standards that harmonize the U.S. approach with international standards. The Administration has already begun to rescind Trump administration policies and decisions that unjustly prevent individuals from obtaining asylum. On June 16, the Department of Justice reversed two of the former administration's rulings severely restricting asylum protections for victims of domestic and gang violence.
- **Maximizing legal representation** and legal orientation programs by working closely with pro bono legal service providers. The President's FY 2022 Budget requests \$15 million to provide representation to families and vulnerable individuals, as well as \$23 million to support DOJ legal orientation programs.
- **Reducing immigration court backlogs** by ensuring priority cases are considered in a timely manner and hiring more immigration judges. The FY 2022 Budget requests an additional 100 immigration judges and provides support for additional court staff to ensure the efficient and fair processing of cases. The Department of Justice also restored the discretion of immigration judges to administratively close cases in another step to ensure priority cases are considered in a timely manner.

STRENGTHENING COLLABORATIVE MIGRATION MANAGEMENT WITH REGIONAL PARTNERS

The United States seeks to expand U.S. and multilateral efforts to address the dire humanitarian situation in Central America and strengthen regional collaborative migration management. The United States believes that all individuals should be able to have a safe, stable and dignified life within their own countries, while ensuring that asylum and other legal migration pathways remain available to those who need them.

- **Providing humanitarian support to address the acute needs that pressure individuals to abandon their homes.** U.S. efforts will address food insecurity and malnutrition, mitigate the impacts of successive droughts and food shortages, promote protection for vulnerable individuals, and provide materials to support rebuilding of homes and schools damaged by the hurricanes. The United States will also work with the United Nations to mobilize international support for the deteriorating situation in the Northern Triangle. As part of these efforts, the United States in April provided \$255 million in assistance to meet immediate and urgent humanitarian needs for people in El Salvador, Guatemala, and Honduras, refugees, other displaced people, and vulnerable migrants in the region.
- **Expanding access to international protection** to provide safety to individuals closer to their homes by building and improving national asylum systems, enhancing efforts to resettle refugees, and scaling up protection efforts for at-risk groups.
- **Establishing Migration Resource Centers** in the Northern Triangle countries with the support of international organizations and in coordination with governments in Central America to provide referrals to services for people seeking lawful pathways for migration and protection. The centers also provide referrals to reintegration support for migrants returned from the United States and other countries.
- **Restarting and expanding the Central American Minors (CAM) program** to provide children the opportunity to receive protection and reunite with parents in the United States. In March 2021, the United States reopened the CAM program and, in June 2021, expanded it to additional categories of eligible U.S.-based relatives who can petition for their children.
- **Expanding refugee processing in the region**, including in-country processing in Northern Triangle countries, and helping international organizations and local non-governmental organizations to identify and refer individuals with urgent protection needs to the U.S. Refugee Admissions Program and other resettlement countries. The U.S. Department of State and Department of Homeland Security have resumed interviewing individuals via the Protection Transfer Arrangement (PTA) to expand protection for vulnerable nationals of El Salvador, Guatemala, and Honduras.
- **Expanding access to temporary work visas in the region.** DHS announced a supplemental increase of 6,000 H-2B visas for temporary non-agricultural workers from Honduras, Guatemala and El Salvador in FY 2021. The Administration is also exploring ways to enhance access to H-2A visas for temporary agricultural workers when there are insufficient qualified U.S. workers to fill these jobs, while ensuring strong labor protections for all workers. The Administration will also encourage other governments to develop and

expand regional labor migration programs that protect workers' rights and allow access for individuals to find meaningful, temporary work.

- **Reducing immigrant visa backlogs.** The United States aims to reduce the backlog of immigrant visa applications for Northern Triangle nationals as quickly as possible.

INVESTING IN CENTRAL AMERICA TO ADDRESS THE ROOT CAUSES OF MIGRATION

We cannot solve the challenge at our border without addressing the lack of economic opportunity, weak governance and corruption, and violence and insecurity that compel people to flee their homes in the first place. The impact of two major hurricanes in late 2020, a prolonged drought, and COVID-19 have aggravated these long-standing challenges. The FY 2022 Budget requests \$861 million to address the root causes of migration.

- **Addressing economic insecurity and inequality** by investing in programs that foster a business-enabling environment for inclusive economic growth; enhancing workforce development, health, and education; and building resilience to climate change and food insecurity so individuals can find economic opportunity at home. The U.S. will also work with stakeholders to increase trade and diversify industry, as well as with the private sector to build on the *Call to Action* to catalyze investments in the region and support economic development.
- **Combatting corruption and strengthening democratic governance** by working with governments, civil society, and independent media to improve government services, increase transparency, promote accountability and respect for human rights, sanction corrupt actors, and provide protection to at-risk youth, victims of violence, and other marginalized populations.
- **Promoting respect for human rights, labor rights and a free press** by working with governments and civil society to strengthen legal frameworks and build institutional capacity, hold perpetrators accountable, promote labor rights compliance, and ensure citizens have access to information from independent sources to inform their choices.
- **Countering and preventing violence, extortion, and other crimes** by strengthening accountable law enforcement, focusing on crime prevention, and encouraging regional cooperation to address shared criminal threats.
- **Combatting sexual, gender-based and domestic violence** by working with governments and civil society to prevent and prosecute violence and support victims.

While President Biden can implement significant parts of this strategy within his executive authority, **Congress must also act.** Millions of noncitizens call our country home. Immigrants are key a key part of our communities and make significant contributions to our economy. Over the past year, millions of immigrants have risked their health to work side by side with other Americans to perform jobs that are essential to the functioning of the country. They are Americans in every way but on paper. The American public supports a path to citizenship and a fair and efficient legal immigration system that welcomes talent from around the globe and allows families to reunite and make a life in our country.

Congress should pass through reconciliation or other means:

- The U.S. Citizenship Act (H.R. 1177/S. 348) that reunites families, gives businesses access to a workforce with full labor rights, and creates a path to citizenship for those already living and working in the United States. These critical reforms, coupled with measures to address the root causes of migration from Central America, will relieve pressure at the border by dissuading irregular migration.
- The Dream and Promise Act (H.R. 6) and Farm Workforce Modernization Act (H.R. 1603) to create a path to citizenship for Dreamers, TPS recipients, and farmworkers. Both bills passed the House with bipartisan support. They will protect millions of families, children, and essential workers who live, work, study, and worship in our communities.