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2023 Immigration Priorities A Blueprint for the Biden-Harris Administration



Executive Summary & Introduction



When President Biden took office two years ago, he inherited an immigration system ravaged by four years of relentless efforts by his predecessor to wall off America and inflict as much harm as possible on immigrants. President Biden made a series of commitments to undo the chaos of the Trump years by rolling back those policies, while building a more fair, humane, and functional immigration system. Now halfway into its first term, the Biden administration is at a crossroads as to whether it will accelerate this work, or instead, fail to deliver on key commitments such as protecting the 11 million undocumented immigrants through any legal means possible and ensuring Trump's cruel border policies are relegated to the dustbin of history.

For nearly 40 years, Congress has largely abdicated its responsibility to design a modern immigration system that works for the nation, its citizens, and the immigrants who contribute to its economic, social, and cultural vibrancy. In its second year, the Biden administration continued to make progress in both rolling back the anti-immigrant policies of the previous administration and taking steps to build a more fair, humane, and functional immigration system. The administration made additional headway in cutting through some of the procedural red tape it inherited from the Trump administration, including those that hindered aspiring Americans' ability to naturalize. For example, it reversed the Trump administration's extraordinary public charge rule, which erected a wealth test that contributed to millions of eligible U.S. citizen children in immigrant families eschewing critical public support during the COVID-19 pandemic.

However, much remains to be done to live up to the administration's commitments to immigrant communities and aspiring Americans, as well as to the broader ideals of protecting the right to asylum and promoting safe and humane migration. As described more fully in this report, the administration must use existing legal authorities more assertively to protect the 11 million long-residing

undocumented individuals in the U.S., honor its commitments to preserve and strengthen the nation's asylum and other humanitarian protections, curb its use of detention, and continue to work to eliminate barriers to accessing the nation's legal immigration system. While progress has been made in delivering meaningful protections to hundreds of thousands of immigrants and their families in the United States, as well as to many who look to the United States for safety and opportunity, the administration must continue to expand these legal pathways for aspiring Americans.

It continued to be the case in 2022 that many Biden administration policy initiatives were challenged by state GOP leaders in federal court, and some have so far been blocked from taking effect. This includes a [regulation](#) to largely codify the 2012 Deferred Action for Childhood Arrivals (DACA) policy, a [policy memorandum](#) issued by the Secretary of Homeland Security to guide civil immigration enforcement actions, and a Centers for Disease Control and Prevention [order](#) terminating the use of Title 42—the authority that led to the rapid expulsion of [more than one million](#) migrants and asylum seekers for the second fiscal year in a row.

To the frustration of many observers, these headwinds have at times been compounded by the Biden administration's own actions, most notably by its choice to twice expand its application of Title 42—first to [vulnerable groups of Venezuelans](#), and then to [Cubans, Haitians, Nicaraguans, and additional Venezuelans](#) after its decision to end Title 42 was temporarily suspended by court orders. Additionally, the Department of Homeland Security is considering reinstating a version of the Trump administration's asylum and transit bans, which runs contrary to our values, sense of basic fairness, and obligations under our asylum laws. The [Asylum Processing and Credible Fear Interim Final Rule](#) implemented in May 2022 was a step in the right direction, but must be improved to address barriers to access to counsel and fair, accurate decisions. While the process will need improvements as it moves ahead to fully ensure the fair and efficient processing of asylum seekers, the reality is that the administration has yet to fully address the increase in migration at the southern border with policy solutions that protect due process and ensure migrants are processed safely and humanely.

The year ahead begins with a challenging congressional landscape for the sweeping legislative immigration reforms the nation needs and deserves. Most recently, the 117th Congress failed to pass a handful of sensible, long overdue, and bipartisan immigration reform measures, including permanent protections for immigrant youth, despite a serious push during the lame duck session. Republican leadership continued to obstruct immigration reform in the last Congress, and all indications are that the House of Representatives will oppose any effort to legalize the undocumented in 2023 even though [80% of Americans](#) do [support legalization](#).

Given opposition to immigration reform by Republicans in the Senate and House despite public support for reform, greater focus should and will be placed on what the Biden administration can do through its executive authorities to repair aspects of the immigration system that are broken, and to extend new, durable protections and opportunities to immigrants and those seeking protection in

the United States. This is not only the right thing to do, but it also helps lift the nation as it continues to emerge from the COVID-19 health crisis and modernize its infrastructure. One case in point: implementation of significant infrastructure legislation passed during the 117th Congress will require addressing barriers like acute labor shortages and obstacles to equitable pandemic recovery. Sensible immigration policy is additive to these objectives and one of many reasons why it should continue to be a point of emphasis for the Biden administration in 2023.

The *2023 Immigration Priorities: A Blueprint for the Biden-Harris Administration* begins by reviewing the year that just concluded, recognizing the areas in which the administration did well and noting where the administration fell short. The Blueprint then identifies the highest priority immigration actions that the administration should take in the coming year. Where executive actions are needed to relieve ongoing suffering and uncertainty, or where reforms can best and most durably be accomplished through notice-and-comment rulemaking, the administration cannot afford to wait any longer.

A year into the Biden term, our [2022 Immigration Priorities: A Blueprint for the Biden-Harris Administration](#) assessed actions taken by the administration consistent with its immigration commitments, criticized areas where administration policies fell short, and reaffirmed many priority areas still needing attention. These priorities had the support of 26 immigrants' rights organizations, and were built upon the hard work and bold ideas of the 235 organizations that worked together to release a [2021 Immigration Action Plan](#) in August 2020. To continue to make progress in the year ahead—including in areas where insufficient progress has been made to date—this report identifies the following goals as top immigration priorities for 2023.

■ **Protection and Relief to Keep Immigrant Families Together.**

It is imperative for the administration to use its legal authority to extend the greatest, most durable protections to the largest number of individuals, especially for individuals who have DACA or Temporary Protected Status (TPS) and other long-term residents. The Department of Homeland Security (DHS) and the State Department must pursue policies that streamline access to status for these important groups. The administration should also designate and redesignate TPS for all countries that qualify. The administration should further ensure that our enforcement system keeps families together by curbing its use of detention, expanding nonprofit-run case management programs, and shutting down the worst detention facilities.

■ **Routing Out Discrimination and Anti-Blackness in the Immigration System.**

The administration must work to rout out discrimination and combat racism and anti-Blackness in the immigration system itself by protecting Haitian asylum seekers, ending abuse against Black migrants in detention, and recapturing diversity visas, among other changes.

■ **Rebuilding the U.S. Economy and Promoting Safe and Orderly Migration Pathways.**

The Biden administration has repeatedly demonstrated its understanding that promoting safe and orderly migration pathways is part and parcel to maintaining fair and humane borders. In 2023, the administration should continue to utilize the tools that it has under law to ensure that our immigration system facilitates lawful entry, including by expanding the use of parole and by reducing backlogs and barriers to status at USCIS.

■ **Restoring the Asylum and Refugee Systems, Ensuring Humane Treatment and Protection at the Border.**

The administration worked toward improving the efficiency of the asylum system at the border with its issuance of its asylum rule. However, it also pursued policies inconsistent with these objectives, such as its expanded use of Title 42 in the last few months and its consideration of a new restriction on asylum for individuals who did not enter through certain specified pathways and who transited through a third country without seeking protection there. In 2023, the administration has an opportunity—and an obligation—to reaffirm its commitment to vulnerable people seeking protection by foregoing proposals and issuance of a transit ban or similar regulation. The administration should also continue to work with Congress on funding to continue to improve POE infrastructure and appropriate staffing to adjudicate asylum claims in order that promote the fair and efficient processing of asylum seekers.

■ **Deepening Collaborative Hemispheric Migration Management, Including on Climate Migration, and Promoting Regional Cooperation.**

The administration should take a whole-of-government approach to the region and implement all of the commitments in the [Los Angeles Declaration on Migration and Protection](#), including the establishment of complementary pathways to entry and legal status. The administration's commitment to combating climate change should be reinforced by acknowledging that climate change acts as a powerful accelerant to migration. In 2023, the administration should work to ensure the safety and humanity of climate-displaced people and support the adaptation and resilience of people affected by both slow-onset and sudden-onset climate disasters.

The 2023 Immigration Priorities: A Blueprint for the Biden-Harris Administration has been endorsed by the following organizations:

- Adhikaar
- African Communities Together (ACT)
- America's Voice
- American Immigration Lawyers Association
- Asian Americans Advancing Justice | AAJC
- Cameroon Advocacy Network
- Central American Resource Center
- Central American Resource Center of Northern CA – CARECEN SF
- Church World Service
- Congolese Community of Washington Metropolitan
- Congregation of Our Lady of Charity of the Good Shepherd, U.S. Provinces
- Dorothy Day Catholic Worker, Washington DC
- Franciscan Action Network
- Global Social Work, LLC
- Haitian Bridge Alliance
- Hispanic Federation
- Human Rights First
- Immigration Hub
- International Refugee Assistance Project (IRAP)
- Latino Memphis
- Latino Policy Forum
- Louisiana Organization for Refugees and Immigrants
- Michigan Immigrant Rights Center
- Mi Familia Vota
- NAACP Legal Defense and Educational Fund, Inc. (LDF)
- National Advocacy Center of the Sisters of the Good Shepherd
- National Immigrant Justice Center
- National Immigration Law Center
- National Immigration Project (NIPNLG)
- National Network for Arab American Communities
- National Partnership for New Americans
- People's Action
- Robert F. Kennedy Human Rights
- Save the Children
- The Campaign for Hong Kong
- UndocuBlack Network
- UnidosUS
- Voto Latino
- Witness at the Border

2023 Immigration Policy Priorities



In 2023, the Biden-Harris administration must continue to take bold, progressive action—consistent with its obligations under law—to build the fair, humane, and functional immigration system that President Biden described during his presidential campaign and in several of his earliest executive orders. It is not only the right thing to do; it is a national imperative. A working immigration system is an essential and additive component to how the nation tackles bold national projects like modernizing its infrastructure, mitigating climate change, and addressing urgent labor needs in the health, education, and care sectors of the economy as our population ages. A narrowing window for action places greater urgency on the Biden administration to accomplish many of these critical priorities.

Although legislative reform of the immigration system remains urgently needed and is long overdue, the current prospects for congressional action are slim. The failure of a nascent bipartisan proposal in the Senate in the closing weeks of the 117th Congress—despite the critical protections the deal reportedly would have provided to an estimated 2 million immigrant youth, including DACA recipients—highlights how challenging it will be for the new 118th Congress to agree on meaningful compromise on the issue. Unfortunately, the deficiencies of our immigration and humanitarian protections systems are no less pressing in 2023 than they were in 2022, particularly as the number of displaced people around the globe has for the first time [exceeded 100 million](#). The United States' need for immigrants to help power the economy and strengthen our families and communities has never been greater.



Protection & Relief to Keep Immigrant Families Together

With each passing year, as Congress fails to enact legislation to provide a pathway to citizenship for undocumented immigrants currently in the country, immigrants and their family members become more firmly rooted in America's social and economic foundation. While these individuals and their families, which include [more than 10 million](#) U.S. citizen children, grandchildren, siblings, and even spouses, have long shown great resilience, they deserve lasting protection to live and work freely in the U.S. and without fear of family separation or deportation. In 2023, Congress must move forward on finding common ground on a baseline of policies and identify champions to seize the moment when reform is possible; however, we remain clear-eyed that the prospect for fair and just reforms are dim in the coming year. **It thus is imperative for the Biden administration to take every opportunity to use its legal authority to extend the greatest, most durable protections to the largest number of individuals possible.**

2022 Actions in Review

■ Secured or extended Temporary Protected Status (TPS) for [more than 1 million immigrants](#).

The Biden administration in 2022 designated Afghanistan, Cameroon, Ethiopia, Sudan, and Ukraine for TPS, redesignated Burma (Myanmar), Haiti, South Sudan, Syria, and Yemen for TPS, and extended existing TPS protections for El Salvador, Honduras, Nicaragua, Nepal, and Venezuela. In early 2023, it also redesignated TPS for Somalia. Together, the administration is making TPS protections, including work authorization, available to more than 1 million people. President Biden additionally

extended and expanded Deferred Enforced Departure (DED) and related employment authorization to eligible Liberian nationals, and in 2023 extended DED for eligible residents from [Hong Kong](#). For students from most of the above countries, the administration provided [Special Student Relief](#) to ease their severe economic hardship related to the humanitarian crises in their home countries. Although negotiations to resolve litigation involving the Trump administration's efforts to terminate TPS for six countries [broke down](#) in October 2022, jeopardizing the long-term future of hundreds of thousands of current TPS recipients and their families in the U.S., the administration [automatically extended TPS protections until June 2024](#) for the affected individuals. While the administration [recognizes](#) that "repression, instability, and violence, are pushing large numbers of [Venezuelans] to leave their home country," and the State Department has [issued](#) a Level 4 "Do Not Travel" advisory for the country, the administration chose to extend but not redesignate Venezuela for TPS, leaving an [estimated 250,000 Venezuelan nationals](#) who arrived in the United States after the current cutoff date without protection. However, the administration did redesignate (not just extend) TPS for Haitians, a critical step in providing stability for Haitians fleeing poor conditions and violence.

■ **Naturalized more than 1 million people—the highest total in nearly 15 years.**

While the backlog of pending [naturalization applications](#) grew over the course of the Trump administration and completed cases plummeted during the first year of the coronavirus pandemic, the Biden administration dramatically increased the pace of naturalizations over the past two years and, in 2022, more than halved the backlog. Prioritizing the timely processing of naturalization applications is more than just good government: it's an investment in the future of an inclusive American democracy.

■ **Published a final public charge rule that officially ended the Trump administration's wealth test—a radical proposal whose chilling impacts reached over 10 million individuals.**

The administration completed regulations that largely restore the interpretation of the [public charge inadmissibility ground](#) that existed for decades prior to the radical change that the Trump administration attempted to make by regulation. This measure marks progress toward unwinding the [chilling impacts](#) of the Trump-era policy on millions of American children in immigrant families.

■ **Automatically extended the work permits of hundreds of thousands of individuals to avoid server harm from processing delays.**

The administration published a [Temporary Final Rule](#) extending the validity period of employment authorization documents held by millions of noncitizens who have applied to renew their work permits. The automatic extension period of 540 days will provide stability urgently needed by workers and employers alike—avoiding increasingly large numbers of individuals losing work

authorization and their jobs through no fault of their own and solely due to bureaucratic delays—and more realistically reflects current and potential processing times.

■ Restored pathways to adjustment of status for TPS holders.

Through various policy changes, the administration restored the ability for certain TPS holders to obtain permanent lawful status if they have an immigrant visa immediately available to them. First, the Biden administration reached a [settlement](#) in a lawsuit challenging a policy change implemented during the prior administration that permits certain TPS holders with outstanding removal orders to request that their immigration proceedings be reopened and terminated so that U.S. Citizenship and Immigration Services (USCIS) can adjudicate their applications for adjustment of status. Separate from the settlement agreement, [guidance issued to ICE Trial Attorneys \(TAs\) by Principal Legal Advisor Kerry Doyle](#) promotes the authority of ICE TAs to file joint motions to reopen removal proceedings for the purpose of seeking termination so that individuals may pursue permanent or temporary relief before USCIS or elsewhere. Additionally, in overruling an earlier decision by then-Attorney General Jeff Sessions, [Attorney General Merrick Garland restored the authority of immigration judges to terminate proceedings](#) where doing so is necessary to allow an individual to pursue immigration relief before USCIS. USCIS also disavowed the last administration's radical policy regarding the authorized travel and return of TPS holders and [adopted a new agency interpretation](#). Under the new policy, which is supported by extensive legal and policy analysis, TPS holders who return to the U.S. following such travel are inspected and admitted into TPS status, which permits those who previously had not been admitted or paroled to adjust status to permanent residence so long as they have an existing basis through which to do so. For some individuals, the policy may be applied retroactively so that a past return following authorized travel may now be considered an inspection and admission.

■ Completed notice-and-comment rulemaking on the DACA program.

To address the procedural Administrative Procedure Act (APA) challenge to the original DACA program that was established by memorandum, the administration [finalized a regulation](#) that it hopes will shore up the program in an ongoing court challenge. Although the final rule improved upon the proposed rule in certain respects thanks to the overwhelming comments provided by immigration advocates, and it additionally contains some small, positive changes to the original DACA program, the administration chose not to expand DACA to make protections available to larger numbers of young immigrants who arrived in the country as children after the current cutoff date in June 2007.

■ Established a series of processes to protect workers' rights by deepening collaboration between federal, state, and local labor agencies and DHS.

Following a [Policy Statement](#) by Secretary of Homeland Security Alejandro Mayorkas to end mass worksite raids and require DHS to work with the Department of Labor (DOL) to consider requests

for prosecutorial discretion in connection with ongoing workplace standards investigations, the DOL released a Frequently Asked Questions (FAQ) document in [English](#) and [Spanish](#) designed to help workers and their representatives best access the process for securing DOL's support in a request to DHS for prosecutorial discretion. On January 13, 2023, DHS built on this commitment by [reaffirming this policy](#) and announcing process changes to better assist important enforcement efforts by federal, state, and local labor and employment agencies and streamline the exercise of its existing authority to grant such protection.

■ **Granted deferred action to approved Special Immigrant Juvenile applicants while they wait for green cards.**

Consistent with Congress' intention to protect young people who have been approved for Special Immigrant Juvenile (SIJ) status, USCIS announced a [policy](#) to affirmatively consider such individuals for deferred action and permit them to apply for employment authorization while they wait for an immigrant visa to become immediately available to them. Although green cards were available without delay to special immigrant juveniles for many years after Congress first created this form of humanitarian protection for abused, neglected, or abandoned immigrant children for whom a juvenile court has determined that it is in their best interest to remain in the U.S., inflexible numerical caps set long ago by Congress are now resulting in lengthy backlogs that leave approved applicants vulnerable and without lawful status or access to work authorization.

■ **Discontinued use of 3 of the nation's worst detention facilities.**

In March 2022, ICE announced that it would be discontinuing its use of the Etowah County Detention Center. Etowah has long been recognized as one of the [worst and most abusive detention facilities in the country](#). ICE's announcement was the result of extensive reporting and advocacy from immigration advocates drawing from the experiences of individuals who had been detained at Etowah – sometimes for years. At the same time, ICE also announced that it would [limit its use of 3 other detention facilities](#) with egregiously bad records, including the Glades County Detention Center, where guards [reportedly](#) targeted Black migrants for extreme physical and verbal abuse, pepper spray, solitary confinement, and more. Later in the year, ICE confirmed it would discontinue its use of the [Berks County Residential Center](#) and the [Yuba County Jail](#), two detention facilities that had for years been targeted for closure by coalitions of local advocates. Although the closure of Etowah, Berks, and Yuba County and the limitations on the use of these other facilities is cause for celebration, the continued rise of the detention population over the course of the year and the course of the entire Biden administration—including the rise of [prolonged detention for asylum seekers](#)—is of very significant concern.

■ **Rescinded the 2019 expansion of expedited removal.**

The last administration dramatically expanded the scope of expedited removal, effectively permitting immigration enforcement officers to arrest and remove from the country—often

without an opportunity to consult with an attorney or appear before an immigration judge—certain immigrants who were unable to prove that they had been in the U.S. continuously for a two-year period. After suspending the use of expanded expedited removal in 2021, the Biden administration [formally rescinded the expansion](#) in 2022 and restored the prior policy that limits the authority to use expedited removal to certain noncitizens encountered within 100 air miles of the border and within 14 days of entry, regardless of their method of arrival.

2023 Priorities

■ **Designate countries for TPS or DED when conditions merit it, and countries are unable to adequately care for or protect their nationals.**

The administration has made good use of the Secretary of Homeland Security’s statutory authority to issue TPS designations and the president’s constitutional authority to conduct foreign relations to issue DED. It’s off to a good start in 2023 with the [extension and redesignation of Somalia](#) for TPS and extension of DED for Hong Kong residents, and should continue to utilize its well-grounded authorities to extend protections. This would include not only issuing new TPS or DED designations, as appropriate, for qualifying countries such as the Bahamas, Burkina Faso, Colombia, the Democratic Republic of the Congo, Guatemala, Guinea, Lebanon, Mali, Mauritania, Pakistan, and Sierra Leone, and redesignations of Venezuela and other currently-designated countries, but also issuing new designations for the countries whose designations were terminated during the prior administration for discriminatory reasons (i.e., El Salvador, Honduras, Nepal, and Nicaragua). The administration already issued new designations for Haiti and Sudan and recently announced the [redesignation of Haiti for TPS](#), but in light of conditions on the ground, the administration also should consider Sudan for redesignation so that recently arrived Sudanese people are protected from removal.

■ **Take all necessary steps to protect DACA recipients.**

In 2022, the administration [promulgated](#) a final rule regarding the DACA policy, but with ongoing litigation threatening to end DACA and Congress once more failing to enact legislation to protect DACA recipients, the administration must do everything in its authority to help DACA recipients find durable relief. As part of

a comprehensive “DACA resiliency” plan, all administrative tools should be on the table, from the secretary’s parole authority to the president’s DED authority, as well as a firm commitment to eliminate avoidable backlogs and other barriers to existing family and employment-based avenues many DACA holders will likely avail themselves of if DACA ends. Additional tools similarly warrant exploration. For example, some DACA recipients have long been able to adjust status to permanent residence following travel and return on advance parole. Others have been able to leave the country and be admitted into a nonimmigrant classification, which does not provide permanent immigrant status but could increase opportunities for individuals to change or adjust their status in the future. Lastly, the administration should consider process reforms to allow longtime residents like DACA recipients to initiate requests for non-LPR cancellation of removal relief prior to being placed in removal proceedings, which is the practice in place today.

■ **Exercise prosecutorial discretion and enforcement prioritization to protect individuals with meaningful ties to the United States and those who are stateless.**

In September 2021, Secretary Mayorkas issued new [guidelines for the enforcement of civil immigration law](#) that offered some measure of protection from removal to noncitizens—including those firmly embedded in our families and communities—who posed neither a threat to national security, public safety, nor border security. In June 2022, a district court in Texas vacated the guidelines, preventing DHS from implementing the secretary’s enforcement priorities. Although the decision is an unprecedented and unjustified intrusion into the secretary’s well-established enforcement discretion authority, the Supreme Court allowed the decision to stand while it took the case under consideration. Although the Supreme Court may not rule in that litigation until June 2023, ample authority will remain for the administration to exercise prosecutorial discretion in certain circumstances, including for significant categories of individuals. The ongoing exercise of prosecutorial discretion on an ad hoc basis and pursuant to policies that were not enjoined by the lower courts—simply as a matter of necessity—is proof of that. The administration should take steps, consistent with its legal obligations and DHS’ interests, to ensure that its use of prosecutorial discretion and enforcement

prioritization serve the interests of the country and best keep families and communities intact, including by ensuring that individuals with meaningful ties to the United States and those who are stateless are able to live without fear of immigration enforcement.

■ **Speed up efforts to close the worst detention facilities, reduce the use of detention, and pursue family case management programs.**

In 2021, Secretary Mayorkas [committed](#) to continuously review the treatment of detained persons in immigration detention facilities, as well as conditions at facilities generally. Despite making progress in 2022 in closing several of the country's worst immigration detention facilities, the administration continued to use facilities that posed a constant threat to the health and safety of detained persons. One of the most egregious cases is the **Torrance County Detention Facility** in Estancia, New Mexico, which in March 2022 prompted the DHS Office of Inspector General (OIG) to take the extraordinary step of issuing a [Management Alert](#) recommending that ICE immediately remove all detained persons from the facility due to critical staffing shortages and unsanitary conditions. ICE chose not to heed the OIG's warnings, and five months later, a 23-year-old Brazilian asylum seeker, Kesley Vial, [died by suicide](#) in the facility. The administration must accelerate efforts to review its detention system and not hesitate to take actions necessary—including discontinuing the use of facilities—to protect the health, safety, and dignity of all detained persons. The administration must curb and reduce detention, which has been escalating, including uphold its commitment to end prolonged detention and revise instructions essentially labeling asylum seekers as detention priorities.

Routing Out Discrimination & Anti- Blackness in the Immigration System



The Biden administration has taken steps to address many of the most egregiously racist and anti-immigrant policies of the last administration, but the racism that has long been ingrained within our immigration system—and our society more broadly—continues to lead to the discriminatory treatment of people of color, especially Black, Indigenous, and Brown migrants. In 2023, when powerful forces will continue to politicize the issue of immigration at the expense of immigrants and asylum seekers, the administration must counter such demagoguery by working to rout out discrimination and combat racism and anti-Blackness in the immigration system itself.

2023 Priorities

- **Reject the punitive and discriminatory treatment of Haitian people seeking protection and family reunification and utilize parole to extend necessary protections.**

Over the past two years, the administration correctly designated (and redesignated) Haiti for TPS, but it also took extraordinary measures to expel Haitians by air under Title 42 and [literally beat back Haitian asylum seekers entering the country in search of protection](#). As the people of Haiti are experiencing increased and intolerable levels of human suffering, the administration has reportedly considered [sending Haitians fleeing the country to a detention facility at the Guantanamo Bay military base in Cuba or to a third country](#) and recently expanded the use of the CDC's Title 42 authority to facilitate the expulsion of certain [Haitian migrants and asylum seekers](#) to Mexico. Consistent with the recent

redesignation of Haiti for TPS, the administration also must announce a halt on deportation and other forced repatriation flights to Haiti. The administration's experience with Afghanistan and Ukraine—and now with Venezuela—proves that parole for significant public benefit or urgent humanitarian reasons can be provided in a safe and efficient manner for large numbers of people, entirely consistent with our laws. The administration should ensure that the new parole process for Haitians is strengthened and implemented in a robust manner.

■ **Ensure genuine accountability for the abuses perpetrated against Haitian asylum seekers in Del Rio.**

President Biden and Secretary Mayorkas initially condemned the abusive mistreatment of Haitian asylum seekers by U.S. Customs and Border Protection (CBP) personnel in Del Rio, Texas, with appropriately strong language. The president [called](#) it “outrageous” and vowed that “there will be consequences.” The secretary [said](#) footage of agents chasing Black migrants on horseback “painfully conjured up the worst elements of our nation’s ongoing battle against systemic racism.” But rather than having an independent entity such as the DHS Office of the Inspector General or the DOJ investigate the abuse, the Office of Professional Responsibility within CBP itself conducted an investigation in which [not a single Haitian asylum seeker was interviewed](#). Although four agents were [recommended for disciplinary action](#), no information has been released to date about any such sanctions.

■ **End the abuse of Black immigrants in detention.**

[Studies show](#) that Black immigrants are disproportionately subjected to deportation and at heightened risk of harsh and abusive treatment within the detention system. Although only 6% of migrants detained by ICE are Black, 28% of abuse complaints to a telephonic hotline over a recent six-year period (2016-2021) were reported by Black detained persons, and nearly half of the calls (43%) by Black non-binary detained persons included reports of abuse. Nearly one-quarter of people subjected to solitary confinement in ICE detention are Black. Consistent with President Biden’s [executive order on advancing racial equity](#), the administration should investigate the prevalence and

pernicious effects of racial discrimination and anti-Blackness in immigration detention and take meaningful steps to rout it out and protect Black lives.

■ **Protect and support an increase to the diversity visa program, withdraw the DOJ's appeal of *Gomez v. Biden*, and recapture the remaining approximately 40,000 unused diversity visas.**

The diversity visa program remains one of the most important ways for African nationals to immigrate to the United States, helping to promote diversity in the U.S. immigration system and in communities throughout the country. The Biden administration quickly repealed discriminatory bans erected by the previous administration to terminate the diversity visa program. But over the past two years, it has continued to argue in court that people who were wrongly banned from entering the country should not now be permitted to immigrate here. The administration should resolve the litigation, including by withdrawing its appeal in *Gomez v. Biden*, which is now awaiting a decision in the D.C. Circuit Court of Appeals, and quickly process for admission of all individuals who were blocked during the last administration.



Rebuilding the U.S. Economy & Promoting Safe & Orderly Migration Pathways

Immigration to the United States has long been and will continue to be a key driver of [economic growth](#). Millions of immigrants, both documented and undocumented, fill important holes in the nation's workforce, creating additional opportunities for other workers and playing an [outsized role in jobs deemed essential to the nation's critical infrastructure](#), including during the coronavirus pandemic. As the country faces stifling labor shortages, inflation, and supply chain issues that are harming consumers and businesses alike, immigrants will increasingly be needed to help grow the American economy and enhance America's ability to compete globally. Unfortunately, the nation's immigration system has become outdated and inflexible over time. It has left the country increasingly ill-equipped to respond to important national and economic interests and kept it on the backfoot when it comes to developing sustainable strategies to address evolving global humanitarian challenges. With congressional inaction in 2023 likely, the Biden administration should continue to promote safe and orderly legal migration pathways as part of a fair and humane border-management strategy and sound economic policy and take steps to strengthen existing initiatives to ensure equitable access for vulnerable populations, including those without financial resources and passports.

2022 Actions in Review

- **Created the Uniting for Ukraine (U4U) process to facilitate the entry of 100,000 Ukrainian nationals safely and efficiently into the United States.**

In response to the humanitarian crisis caused by Russia's illegal aggression in Ukraine, the administration [established](#) an innovative new process to match Ukrainian nationals and their family members abroad with

community members or organizations in the United States committed to providing welcome and support. This new model has already been used in certain respects to build [a parole program for certain Venezuelan migrants](#) that facilitated the arrival of [more than 10,600 individuals by late December](#). It is also a model the Biden administration began using in 2023 for Cuban, Haitian, and Nicaraguan nationals. Disappointingly, the rollout of Cuban, Haitian, Nicaraguan, and Venezuelan parole processes were all paired with punitive measures, including the expanded application of Title 42.

■ Took steps to restart the Cuban and Haitian Family Reunification Parole programs.

After reversing the Trump administration's decision to terminate the Haitian and Cuban Family Reunification Parole programs, the administration announced plans to resume operations and begin paroling into the United States qualifying beneficiaries of approved family-based immigration petitions. For [Cuban parolees](#), USCIS began conducting interviews at the U.S. Embassy in Havana and scheduling additional interviews. New invitations to apply for Haitian Family Reunification Parole were intended to go out [in fall 2022](#), but the deteriorating security situation in Haiti posed a significant challenge to onsite interviews. While these two programs begin to slowly rebuild, potential beneficiaries are likely to more quickly and easily secure parole into the United States through the new parole processes established at the beginning of 2023 that are available to [Haitian](#) and [Cuban](#) nationals who can identify a financial supporter in the United States.

■ Supported Afghan allies by reducing unfair barriers to their resettlement.

To ensure that our Afghan allies who participated in the resistance movement against the Taliban or that those who merely worked as civil servants in Afghanistan during a period when the country was under Taliban rule are not improperly barred from receiving protection and immigration benefits in the United States for which they are otherwise entitled, the Secretaries of Homeland Security and State, in consultation with the Attorney General, exercised their statutory authority to [grant limited TRIG exemptions](#). These exemptions will help facilitate the resettlement of Afghan refugees and the admission of other Afghan migrants who otherwise would have been caught up in unreasonably harsh and expansive TRIG bars. A separate TRIG exemption will additionally allow individuals to receive exemptions from inadmissibility bars that otherwise would have applied based solely on certain limited or insignificant conduct that poses no security risk to the country.

2023 Priorities

- **Establish a labor shortage parole program that responds to the needs of the U.S. economy, businesses, consumers, and communities by matching qualified immigrant workers with employers in labor shortage sectors.**

Protracted and growing labor shortages are having a detrimental effect on consumers, the U.S. economy, and America’s global competitiveness. Just as immigrants have always played a key role in driving the nation’s economy and ingenuity, they can also address current labor shortages in key industries. A parole program that operates as a public-private partnership between federal, state, and local authorities and the business community can be a model for meeting the needs of American consumers and businesses while promoting safe, lawful, and orderly pathways for intending immigrants. Using the parole authority to extend protections and employment authorization to undocumented immigrants already working in jobs experiencing acute labor shortages could also advance the significant public benefit of retaining these necessary and productive workers.

- **Create a Central American Family Reunification Parole Program to promote family unity.**

Just as DHS has long administered family reunification parole programs for certain [Cuban](#) and [Haitian](#) nationals, as well as for the [family members of Filipino World War II veterans](#), DHS should now create family reunification parole programs for individuals from El Salvador, Honduras, Guatemala, and Nicaragua who are the beneficiaries of approved family-based immigrant visa petitions. Prospective beneficiaries of such a program from Nicaragua may already be eligible to request parole under the [new parole process](#) established at the beginning of 2023, but that parole was conditioned on the adoption of new, punitive measures that undermine due process protections for asylum seekers and our humanitarian protection obligations under domestic and international law. The creation of a new safe, lawful, and orderly pathway to promote family unity and direct people away from dangerous, irregular forms of migration—advancing these significant public benefits and addressing urgent humanitarian needs—is legally and morally justified on its own.

■ **Process immigrant visas up to the numerical limits on family-based, employment-based, and diversity visas in Fiscal Year (FY) 2023.**

In FY 2022, USCIS was able to make [more than 281,500 employment-based immigrant visas available](#)—more than twice the number typically allocated—because a large number of family-based visas were not utilized in FY 2021 and were instead rolled over into the FY 2022 employment-based categories. Although backlogs in several employment-based visa categories are significant, the same is true of family-based categories. In 2023, the administration must take steps to ensure that consular operations around the world are restored, consistent with public health requirements, and USCIS processing backlogs are reduced, including those pertaining to the adjudication of provisional unlawful presence waivers, so that all family-based immigrant visa numbers are utilized to help reunite families in the United States.

■ **Reduce immigration backlogs by streamlining the adjudication process and terminating all policies and practices that are not required by law.**

In myriad ways, DHS took important steps in 2022 to ameliorate some of the harms caused by the enormous backlogs plaguing USCIS. For instance, DHS temporarily increased the [automatic extension period](#) of certain expiring employment authorization documents, [extended the validity period](#) to 24 months for expired permanent resident cards by renewal applicants, and [automatically extended](#) for 24 months the expiration date on permanent resident cards by naturalization applicants. In 2023, the agency should do more to eliminate similar inefficiencies and redundancies, including cutting out unnecessary adjudicatory steps and reducing the need for individuals to file (or refile, in the case of biometrics) applications and other materials not required by law.

Restoring the Asylum & Refugee Systems, Ensuring Humane Treatment & Protection at the Border



The year ahead provides an opportunity—and an obligation—for the administration to reaffirm its commitment to vulnerable people seeking protection. Over the past two years, the administration has taken steps to reverse some of the worst policies of the last administration that dismantled the asylum and refugee systems, and to create new policies and procedures to restore the country's ability to live up to its protection obligations under domestic and international law. However, the administration has also expanded the use of Title 42 and is reportedly considering a new restriction on asylum for individuals who did not enter through certain specified pathways and who transited through a third country without seeking protection there.

2022 Actions in Review

■ Reunited 2,926 children separated from their parents by the Trump administration.

The Interagency Task Force on the Reunification of Families continued its work in 2022 and has now identified [3,924 children](#) who were separated from their families for months and years due to the policies of the previous administration. As of February 1, 2023, 2,926 children had been reunited with their parents—more than 600 since the creation of the task force by the Biden administration—and an additional 148 were in the process of being reunited. While the Trump administration's family separation policy caused incalculable damage to parents and children—some as young as a few months old—

in 2022 the administration [fought vigorously against civil lawsuits](#) filed by families injured by the process after [ending negotiations](#) to resolve such claims at the end of 2021. Family separation was a moral stain on the country, and it is imperative that the Biden administration recognize that and do everything in its power to reunify families, provide just compensation to those harmed by the policy, and adopt new policies and practices to prevent future separations and uphold the best interests of children.

■ **Began to reform the asylum process for people encountered at the border.**

With the immigration court docket reaching over [two million](#) cases and [wait times](#) stretching years into the future, the administration published an [interim final rule with request for comments](#) that transforms the process for adjudicating asylum claims by people encountered at the border. Under the new rule, which is still being applied to small numbers of asylum seekers, individuals who establish a credible fear of return to their country of origin receive a non-adversarial asylum merits interview with an asylum officer and may be granted asylum without ever appearing in an adversarial immigration court proceeding. This whole process could take a few short months, not years. Those who are not granted asylum are placed in streamlined removal proceedings governed by a special set of rules. As a result of strong advocacy and the submission of detailed comments, the interim final rule contains important due process improvements over the proposed rule. The ability for asylum officers to quickly grant durable protections to qualified applicants and the expanded availability of parole for detained asylum seekers are also huge achievements. However, significant due process concerns—including unworkable deadlines that undermine accuracy, efficiency, and access to counsel in the asylum interviews, courts, and credible fear reconsiderations—remain that the administration must address. Moreover, the administration's announcement at the beginning of 2023 that DHS and the Department of Justice (DOJ) [intend to publish a notice of proposed rulemaking](#) effectively resurrecting the illegal asylum and transit bans that were blocked multiple times by courts during the Trump administration raises significant concerns regarding the future of asylum in this country.

■ **Successfully defended the termination of Remain in Mexico in the U.S. Supreme Court.**

The administration's efforts to terminate the Remain in Mexico program (officially "Migrant Protection Protocols"), which had been blocked through federal court litigation, finally made progress when the U.S. Supreme Court reversed a lower court ruling and allowed the termination to proceed. Since securing a win in the Supreme Court, the administration has enrolled no new individuals in the program and has been steadily permitting current enrollees to enter the United States and remain in the U.S. when they appear for their immigration court hearings. Although the case was sent back to the district court for further proceedings and that court recently [blocked the administration's effort to terminate the program](#), the reasoning of the Supreme Court should prevent that district court or any other court from compelling the administration to actually utilize the discretionary return authority.

■ **Issued a new order intended to terminate the CDC Title 42 order, but subsequently expanded the use of Title 42 when court orders kept Title 42 temporarily in place.**

In March 2022, the CDC completed a public health reassessment and issued an [order](#) ending the use of Title 42 to expel unaccompanied children; in April 2022, it issued a [second order](#) terminating the use of Title 42 entirely. Although the administration's attempt to end its use of Title 42 remains [blocked](#) on Administrative Procedure Act (APA) grounds by a single district court judge—a decision that remains on appeal to the Fifth Circuit Court of Appeals—the CDC's two orders show that the administration was finally prepared to say what [public health experts](#) have been proclaiming for years: Title 42 is not justified as a public health measure. Unfortunately, while the administration's termination of Title 42 was preliminarily blocked, the administration not only maintained the status quo but actually [expanded its use of the authority](#) to begin expelling Venezuelan nationals to Mexico. When a different federal court ruled that the current use of the Title 42 authority to expel migrants was unlawful, the administration obtained the agreement of plaintiffs' counsel to request a [five-week stay to prepare for implementation of the order](#), and appealed the decision without seeking an emergency stay of the ruling. Tragically, that order was then stayed by the U.S. Supreme Court pending its consideration of whether numerous Republican-led states should be permitted to intervene in the case. In its [opposition to the states' emergency stay request](#), the administration reiterated its conclusion that the continued use of Title 42 "is no longer justified under the public health laws." Nevertheless, as part of a series of "[Border Enforcement Actions](#)," the administration announced an expansion of its Title 42 authority to return to Mexico up to 30,000 Nicaraguan, Haitian, Cuban, and Venezuelan nationals each month.

■ **Eliminated regulatory text pertaining to two vacated Trump-era rules limiting timely access to employment authorization for asylum applicants.**

The last administration promulgated two rules designed to prevent asylum applicants from applying for and receiving work permits within a reasonable period. Multiple lawsuits were filed challenging the rules and both rules were vacated by court order in 2022 as having been adopted unlawfully. Although USCIS subsequently removed the regulatory text, the vacatur has not been implemented fully because USCIS still is not complying with the mandatory processing times required under the reestablished regulations for employment authorization and has not fully updated its form instructions to reflect current law.

■ **Guaranteed access to abortion services for migrant girls in Office of Refugee Resettlement (ORR) custody.**

In the aftermath of the Supreme Court's decision overturning *Roe v. Wade*, ORR issued [field guidance](#) confirming that ORR staff and care providers must not prevent unaccompanied children in their care from accessing legal abortion services and must, in fact, make all reasonable efforts to facilitate access upon request, including by transporting a minor from a state in which

the abortion would be illegal or unavailable to one in which it could be provided. This guidance stands in stark contrast to the [direct and personal involvement](#) that the ORR Director during the Trump administration, Scott Lloyd, had in preventing migrant children from accessing abortion services.

2023 Priorities

■ **Restore access to asylum and other forms of international protection at the border.**

At present, federal courts are preventing the administration from formally terminating the Remain in Mexico program and discontinuing its use of the CDC's public health authority under Title 42. While these lawsuits continue, it is important to recognize that the administration clearly articulated its strong policy objections to the Remain in Mexico program and its belief that there remains no legitimate public health basis to continue expelling people from the United States under the CDC's Title 42 authorities. However, the administration expanded the use of Title 42 at the border when the expansion was not required by the courts. In 2023, the administration must commit to restoring access to asylum and related humanitarian protections at the border. This means not only continuing to defend in court its authority to make these termination decisions, but also facilitating the entry into the United States of all individuals who were subjected to the Remain in Mexico program and, if necessary, reopening their removal proceedings so that they may remain here for the duration of their proceedings. It also means not restarting the Remain in Mexico program and not instituting other measures to undercut asylum protections, such as the further expanding of the use of Title 42 and pursuing a new asylum-and-transit ban.

■ **Continue to rebuild the U.S. Refugee Admissions Program (USRAP).**

The annual refugee admissions caps set by the Biden administration have signaled to the world the country's aspirational commitment to once more being a leader in global refugee resettlement, but the paltry number of refugees resettled to date significantly calls that commitment into question. In FY 2023, the administration should successfully resettle 125,000 refugees,

consistent with the most recent [Presidential Determination on Refugee Admissions](#). We support the administration's decision this year to allocate 5,000 unassigned resettlement spots to refugees from the Western Hemisphere and urge a greater allocation for the region in FY 2024.

■ Strengthen due process protections in streamlined asylum proceedings.

The new asylum process for border arrivals that the administration created through the regulatory process contains several important improvements over placing such individuals in removal proceedings, a time-consuming and overly adversarial approach that too often relies upon prolonged periods of detention. But while the interim final rule promised both efficiency and fairness, the rule's drive for speed may ultimately undermine both goals, except with respect to those individuals who are quickly able to meet the high evidentiary burdens required to be granted asylum. The administration [should make changes](#) both in training and guidance and in a final rule responsive to comments to enhance fairness, efficiency, and accuracy, including to remove unworkable deadlines for asylum interviews, courts, and reconsideration requests, that impeded accurate decision-making and access to counsel.

■ Begin rulemaking to adopt an understanding of membership in a particular social group consistent with international and domestic law.

On February 2, 2021, in [one of his first executive orders](#), President Biden directed the Attorney General and Secretary of Homeland Security to promulgate a joint rule addressing how "membership in a particular social group" should be interpreted for purposes of U.S. refugee law, given its origins in the 1951 Refugee Convention and the 1967 Protocol. Plans for the rulemaking were promptly noted in the [Spring 2021 Unified Agenda](#). But though we are well past the 270-day deadline set in the president's executive order, and despite the [urgent need](#) for these reforms, the administration has yet to take any regulatory action. Now is the time for the administration to publish a notice of proposed rulemaking so that public comments can be collected and reviewed, and a final rule can be published—and implemented—well before the end of 2024.

■ **Rescind entirely the Trump administration’s remaining regulations dismantling the asylum system.**

In the past two years, the administration has used rulemaking and certified Attorney General decisions to rescind or overturn some of the last administration’s attacks on the legal underpinnings of our asylum system. But several of the regulations remain in place, and while they may no longer be in effect, it is important that the administration dismantle the architecture upon which these anti-asylum rules were built. For instance, in 2023, the administration should finally rescind the Trump administration’s [“death to asylum” rule](#), as well as the [rule](#) that applies specious public health arguments to national security-related bars to asylum in order to return victims of persecution and torture to their home countries in violation of domestic and international legal obligations. The administration recently published an [interim final rule](#) delaying the effective date of the so-called “Security Bars” rule until December 31, 2024, but the regulatory process to formally rescind this callous rule should commence without further delay. The Biden administration should also take steps to firmly end former President Trump’s entry, transit, and unsafe third-country ban regulations, and must not propose an asylum ban or similar provision that denies asylum to otherwise eligible refugees. Similarly, the administration should additionally [dismantle the policy infrastructure](#) behind the Prompt Asylum Claim Review (PACR) and Humanitarian Asylum Review Process (HARP) policies, and abandon any reported plans to conduct credible fear interviews in CBP custody—an approach used under the prior administration that led to erroneous decisions, due process violations, and risks refugees will be deported to persecution and torture.

■ **Commit to providing legal counsel at no cost to every pro se individual and all vulnerable people, including unaccompanied children, people with mental disabilities, and others who need legal support to ensure a fair hearing and secure immigration benefits when eligible.**

Over the past two decades, [fewer than half \(44%\)](#) of the people appearing in immigration court were represented by an attorney. Although approximately [67%](#) of the individuals with pending

immigration court cases in New York had counsel through the end of November 2022, that is true for fewer than 27% of those currently in removal proceedings in Florida, the state with the [greatest number of pending immigration court cases in the country](#). The situation is particularly dire for detained immigrants, who, [according to a 2016 study](#), were represented only 14% of the time, even though the likelihood of securing relief is five times higher for people who have counsel. Even [children appear in removal proceedings without counsel](#), even as the mere idea of them appearing alongside a trained attorney for the government makes a mockery of due process. The administration must commit to ensuring that counsel is provided to unrepresented individuals, with special emphasis on vulnerable people who most need support when appearing in court.

- **The Biden administration must continue to implement a full-scale approach to border management.** This includes restoring America’s asylum system, expanding lawful migration pathways, addressing root causes of migration, encouraging local settlement in transit countries, investing in border solutions, cracking down on cartels and human smugglers, and creating a fair and orderly process at the border. Congress should fund President Biden’s efforts to improve the efficiency of DHS and DOJ agencies, processing centers, and other resources to improve our border infrastructure. Additional steps the administration should pursue are outlined below.
 - **The administration should continue to develop and support robust communication and planning between federal, state, and local governments, and civil society.** This is needed so that arriving migrants in need of additional support can be matched with a destination prepared to provide services. This coordination should involve border communities in decision making, accountability, and oversight.
 - **Congress should provide adequate funding to local communities receiving recently arrived migrants and refugees.** Congress should also continue to robustly fund FEMA Emergency Food and Shelter humanitarian grants to ensure that organizations and local governments providing necessary services are properly funded.

- **The administration should be funded to pursue their plans of modernizing and expanding infrastructure at Ports of Entry (POEs).** In addition to support CBP core functions like facilitating travel and commerce, investments are needed to accommodate the processing of more asylum seekers and increase personnel. The Office of Field Operations should be resourced to maintain well trained staff, more lanes at POEs, and increased operating hours to ensure the efficient flow of people and commerce at the border.
- **The administration should also adequately fund USCIS and the Department of State.** This funding is needed to ensure sufficient hiring of asylum officers and address myriad adjudication backlogs.



Deepening Collaborative Hemispheric Migration Management

The Biden administration must continue to implement a full-scale approach to restore America’s asylum system. More people around the world are on the move than ever before due to poverty, hunger, and conflict or violence, all of which can be exacerbated by the worsening effects of climate change. In the Western Hemisphere, these factors similarly drive migration, and the United States is far from alone in having to consider how best to address such migration in a fair and humane manner. In June 2022, the United States [hosted a summit](#) of Western Hemisphere leaders to present the Los Angeles Declaration on Migration and Protection, and in September 2022, hosted a [follow-up meeting](#) at the White House to launch an implementation process for the Los Angeles Declaration.

In addition, Vice President Kamala Harris continues to lead the administration’s whole-of-government approach to address the root causes of migration from Central America to the United States. Notably, the administration’s Call to Action Initiative—a public-private partnership to create economic security and resilience in Honduras, Guatemala, and El Salvador—has produced over \$4.2 billion in key investments to the region. In February 2023, the Vice President announced the new Central America Forward initiative, which aims to generate at least 1 million jobs in the region by 2032, provide education and job training to 75,000 individuals by 2027, and facilitate at least \$500 million in infrastructure deals by 2027.

2023 Priorities

- **Take a whole-of-government approach to the region and implement all the commitments included in the Los Angeles Declaration, including the establishment of complementary pathways to entry and legal status.**

The Los Angeles Declaration provides an exciting opportunity for the administration, in furtherance of its international commitments, to build a more fair, humane, and functional immigration system.

- **Incorporate the role of climate change into the administration's regional migration strategies.**

The administration's commitment to combating climate change should be reinforced by acknowledging that climate change acts as a powerful accelerant to migration. In 2023, the administration should work to ensure the safety and humanity of climate-displaced people and support the adaptation and resilience of people affected by both slow-onset and sudden-onset climate disasters.

Conclusion



President Biden made a series of commitments to the country, concerned citizens, and immigrant communities to undo the previous administration's cruel and callous anti-immigrant policies, while presenting an alternative vision of a more fair, more humane, and functional immigration system. As discussed in this report, the Biden administration has made noteworthy progress towards those commitments particularly when it comes to unwinding some of his predecessor's most egregious policies. However, much also remains to be done to live up to the administration's full range of commitments, and to go beyond simply repairing foundations weakened by the previous administration.

Building out a positive vision of sensible immigration policies is not just a matter of doing the right thing; rather, if appreciated correctly, it is an additive component to the nation's broader strategies for addressing its immediate needs and goals. These range from efforts to implement significant infrastructure projects following the passage of historic legislation in the last Congress, ameliorating acute labor shortages in key economic sectors, and emerging stronger from the pandemic. It is another reason immigration policy should be a point of emphasis for the Biden administration in 2023.

For communities impacted by immigration policies, there will be greater focus and interest in 2023 on what the Biden administration can do through its executive authorities to repair aspects of the immigration system that are broken, and to extend new, durable protections and opportunities to immigrants and those seeking protection in the United States. This urgency is only compounded by a challenging congressional landscape in 2023, and ongoing litigation challenges to DACA and elsewhere. Along the way, the administration must avoid heading in the wrong direction as it did in some instances in 2022.

The Biden administration is at a crossroads on its immigration policy agenda entering the halfway point of its first term. It must decide whether it will accelerate its work to make good on its promises, or instead, fail to deliver on key commitments such as protecting the 11 million undocumented immigrants through any legal means possible and eliminating the vestiges of Trump's cruel border policies. The administration can afford no further delay, and this report identifies some of the highest priority immigration actions that the administration should take in 2023.