
2024 IMMIGRATION POLICIES:

A BLUEPRINT FOR THE BIDEN-HARRIS ADMINISTRATION



INTRODUCTION

DURING HIS CAMPAIGN and immediately after taking office in January 2021, President Biden committed to undo the chaos of the Trump years and restore faith in our immigration system. To date, the Biden administration has rescinded or otherwise acted on over [330 Trump-era policies](#). However, it has nonetheless fallen short on others. In the last year of its first term, it is imperative that the Biden-Harris administration work with urgency to make good on all its commitments, including protecting the 11 million undocumented immigrants through all legal means possible, upholding asylum law, and eradicating all traces of Trump’s cruel border policies.

The *2024 Immigration Priorities: A Blueprint for the Biden-Harris Administration* begins by reviewing the past year, acknowledging the areas where the administration made progress, and stating where the administration fell short. The Blueprint then identifies the highest priority immigration actions that the Biden-Harris administration should take in 2024. In the last year of its term, as the presumptive Republican Party presidential nominee [vows](#) to reinstate harmful policies that would jeopardize the lives of immigrants in the interior and at the U.S.-Mexico southern border, the administration must lead with bold action, within the law, to relieve ongoing suffering and uncertainty, and shore up the immigration system through notice-and-comment rulemaking. These actions include:

1. PROVIDING PROTECTION AND RELIEF TO KEEP IMMIGRANT FAMILIES TOGETHER AND REBUILDING THE IMMIGRATION SYSTEM. The Biden-Harris administration must use its legal authority to extend the broadest, most durable protections to the largest number of individuals, especially for individuals who have lived here for years, including DACA and Temporary Protected Status (TPS) recipients. It is incumbent on DHS and the State Department (State) to also pursue policies that streamline access to status for all qualified applicants under our family, employment, and diversity visa programs, including, for example, modernizing existing rules around cancellation of removal and allowing the undocumented spouses of U.S. citizens to apply for work permits while they remain stuck in lengthy green card backlogs. The administration should further ensure that our immigration system keeps families together by adhering to smart enforcement priorities focused on current public-safety threats, significantly reducing the use of detention, expanding nonprofit-run case-management programs, and shutting down the worst and surplus detention facilities. Finally, the administration should continue to rebuild U.S. Citizenship and Immigration Services (USCIS) by reducing backlogs and barriers to work permits and status, ensuring that all qualified immigrants have meaningful access to immigration benefits and services.

2. ROOTING OUT DISCRIMINATION AND ANTI-BLACKNESS IN THE IMMIGRATION SYSTEM. The Biden-Harris administration must work to combat discrimination, racism, and anti-Blackness in the immigration system by protecting Haitian and other Black asylum seekers, including prevention of family separations, ending abuse against Black migrants in detention, reducing or mitigating second harsh immigration penalties imposed against Black immigrants with prior involvement in the criminal legal system, addressing barriers to asylum and prolonged detention, guaranteeing access to language services, and ensuring that Black immigrants are not prejudiced as they seek services and benefits under our visa programs in the U.S. and abroad.

3. PROMOTING SAFE AND ORDERLY MIGRATION PATHWAYS AS PART OF FAIR, HUMANE, AND ORDERLY BORDER MANAGEMENT. The Biden-Harris administration must aggressively defend and preserve existing legal pathways to the United States, and make improvements as needed without penalizing people seeking asylum otherwise (who often cannot access or safely wait for other pathways). Additionally, the administration must continue to expand safe and orderly legal avenues to address changes in migratory flows. To fairly and efficiently manage our borders, the administration must also dramatically improve its border-management infrastructure and procedures, working with border and interior communities and properly funding non-profit partners to humanely process and care for new arrivals.

4. RESTORING AND STRENGTHENING THE ASYLUM AND REFUGEE SYSTEMS TO ENSURE HUMANE TREATMENT AND PROTECTION. While the Biden-Harris administration has made real commitments to increase access to the U.S. refugee resettlement program, it has failed in important respects to fulfill its responsibility to protect refugees seeking asylum at our southern border and fully rebuild a U.S. resettlement program that is more resilient, nimble, efficient, and equitable. It is unconscionable that access to our asylum system be predicated on whether a person can schedule an appointment on a phone app or if they have transited through a third country without applying for, and being denied, asylum. Instead of implementing and strengthening measures to improve the asylum system's efficiency, the administration has starved it of resources by focusing on punitive measures. In 2024, the administration must improve the pace and scale of resettlement, uphold asylum law, and end and reject policies that impose barriers to, or turn away people from, seeking asylum.

5. STRENGTHENING COLLABORATIVE HEMISPHERIC MIGRATION MANAGEMENT, INCLUDING ON CLIMATE MITIGATION, AND PROMOTING REGIONAL COOPERATION. The Biden-Harris administration should take a whole-of-government approach to the Americas region and implement the commitments in the [Los Angeles Declaration on Migration and Protection](#). This effort should include a holistic approach to regional migration which robustly assists host countries to strengthen their ability to provide protection and opportunity to the millions forcibly displaced while upholding international refugee law. The administration's commitment to combating climate change should be reinforced by acknowledging that climate change acts as a powerful accelerant to migration and acting creatively within current law to recognize immigration relief for climate refugees. In 2024, 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.

IN SUM, this report represents the third annual snapshot of the Biden-Harris administration's progress towards its commitments on immigration. 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, identified critical 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. Last year, we [provided an update](#), and identified five core goals as top immigration priorities for 2023. This report assesses progress toward those goals and identifies within them areas of challenge and opportunity going into 2024.

2024 IMMIGRATION PRIORITIES

ENDORSEMENTS

THE 2024 IMMIGRATION PRIORITIES: A BLUEPRINT FOR THE BIDEN-HARRIS ADMINISTRATION

has been endorsed by the following organizations:

- ›› Adhikaar for Human Rights & Social Justice
- ›› African Communities Together
- ›› American Friends Service Committee (AFSC)
- ›› Asian Americans Advancing Justice (AAJC)
- ›› Asylum Seeker Advocacy Project (ASAP)
- ›› Bend the Arc: Jewish Action
- ›› Cameroon Advocacy Network
- ›› CASA
- ›› Center for Law and Social Policy
- ›› Church World Service
- ›› Coalition for Humane Immigrant Rights (CHIRLA)
- ›› Coalition on Human Needs
- ›› Communities United for Status & Protection (CUSP)
- ›› Community Change
- ›› Congolese Community of Washington Metropolitan (CCWM)
- ›› Florida Immigrant Coalition
- ›› Haitian Bridge Alliance
- ›› Hispanic Federation
- ›› Human Rights First
- ›› International Refugee Assistance Project (IRAP)
- ›› Make the Road New York
- ›› Mi Familia Vota
- ›› NAKASEC
- ›› National Immigrant Justice Center
- ›› National LGBTQ Task Force
- ›› National Partnership for New Americans
- ›› New York Immigration Coalition
- ›› People's Action
- ›› Robert F. Kennedy Human Rights
- ›› Save the Children
- ›› UndocuBlack Network
- ›› UnidosUS
- ›› United We Dream
- ›› Voto Latino
- ›› Witness at the Border

PRIORITIES

A FAIR AND FUNCTIONAL immigration system is essential for our economic health, helps drive labor-force expansion, and contributes to overall economic growth. It injects diversity of culture and thought into the American fabric, and keeps families together. It is emblematic of how we treat one another and how we care for the most vulnerable. A fair and functional immigration system reflects our national character.

While our nation desperately needs urgent congressional action to fix and reform our outdated immigration system, the prospect of positive legislative reform looks bleak for the foreseeable future. With a record number of displaced people around the globe, [reaching 110 million in 2022](#), due in large part to conflicts, persecution, and the impact of climate change, it is more vital than ever that the administration take courageous action to help the most people possible. Thus, the Biden-Harris administration must use the last year in its term to take bold action consistent with its obligations under the law. The nation needs a fair, humane, and functional immigration system and President Biden must use his executive authority to deliver it, consistent with his promises on the campaign trail and in his early executive orders. It is a national and international imperative.





— 1. PROVIDING PROTECTION AND RELIEF TO KEEP IMMIGRANT FAMILIES TOGETHER AND REBUILDING THE IMMIGRATION SYSTEM

THE FIRST THREE YEARS of the Biden-Harris administration were met with mixed success in the wake of ambitious promises. While the administration took huge strides forward—publishing final rules ending Trump’s public charge wealth test and codifying DACA, expanding TPS protections, and continuing to rebuild a badly damaged immigration system, much remains to be done, particularly to protect long-term residents of the U.S. and keep families together. Given Congress’ continued failure to enact laws to update our immigration system and general descent into dysfunction, the promise of legislation to fix what is broken dwindles with each passing day. It is imperative that the Biden-Harris administration copiously use its legal authority to extend the broadest, most durable protections to the largest number of individuals possible.

2023 ACTIONS IN REVIEW

›› SECURED OR EXTENDED TEMPORARY PROTECTED STATUS (TPS) FOR MORE THAN 1 MILLION IMMIGRANTS.

In 2023, the Biden-Harris administration redesignated Afghanistan, Cameroon, Somalia, South Sudan, Sudan, Ukraine, Venezuela, and Yemen for TPS. The [redesignation of Venezuela](#) in particular will protect an approximately 472,000 additional people, allowing them to work and contribute to their communities. While this is welcome news, it is disappointing that, in the same breath, the administration resumed deportations to Venezuela, a country that, by its own admission “is suffering one of the worst humanitarian crises in the history of the Western Hemisphere” and “has one of the highest rates of violent deaths in the world.” Similarly, while the administration rightly redesignated Haiti early in the year, pointing to the country’s acute, deteriorating political and security situation along with rampant and sustained cholera and food insecurity, it resumed deportations of Haitian nationals. The administration also rescinded Trump’s TPS terminations for El Salvador, Honduras, Nepal, and Nicaragua and simultaneously extended TPS protections through March 2025, [giving renewal applicants 18 months to apply](#), replacing the prior application period of 6 months. While this was a welcome decision and gives a semblance of stability for existing TPS holders, conditions in these countries continue to warrant a redesignation and would protect hundreds of thousands of additional people. While many immigrants are protected, too many face intolerable



levels of danger. It is crucial for the Biden administration to designate all countries with conditions that make return untenable, including (but not limited to) the Democratic Republic of the Congo (DRC), Mali, and Mauritania.

›› RELAUNCHED THE TASK FORCE ON NEW AMERICANS AND CONTINUED TO NATURALIZE HIGH NUMBERS OF PEOPLE.

In December 2022, the Biden-Harris administration [relaunched the Task Force on New Americans](#), aimed at strengthening the integration and inclusion of immigrants and refugees in their communities, working at federal, state, and local levels. In 2023, the White House conducted listening sessions with thousands of stakeholders to help inform the Task Force’s work and develop its report. Participating organizations recommended that the Task Force make policy changes to help New Americans overcome barriers to integration and adopt inclusive solutions that reflect the immigrant community’s diversity. In 2023, USCIS completed [876,000](#) naturalizations while working to reduce N-400 backlogs and processing times; indeed, by the end of the fiscal year naturalization applications were being processed within six months.

›› **EXERCISED PROSECUTORIAL DISCRETION AND ENFORCEMENT WITH MEANINGFUL TIES TO THE UNITED STATES.**

In 2023, the Supreme Court rejected Republican state leaders' unjustified intrusion into the Secretary's well-established enforcement discretion authority and refused to enjoin DHS's [guidelines for the enforcement of civil immigration law](#). For nearly two years, the Secretary had been unable to implement sensible enforcement priorities in the wake of a vacatur from a district court in Texas. These long-awaited guidelines offer noncitizens, including those firmly embedded in our families and communities, who pose no threat to national security, public safety, or border security, a measure of protection from removal. On July 28, 2023, Immigration and Customs Enforcement (ICE) began [implementing the priorities](#) and, in September, the immigration courts [followed suit](#). In the spirit of transparency, DHS should actively monitor implementation of these priorities to ensure that the guidelines are being followed and make these data available to the public.

›› **CONTINUED TO DEFEND DACA.**

The Biden-Harris administration attempted to implement the [DACA regulation finalized in 2022](#) but due to ongoing litigation was allowed to apply it only to applicants for renewal. In September 2023, Judge Hanen invalidated the regulation, which was written to cement the DACA policy, but permitted it to continue in minor respects for renewal applicants while the case made its way through the courts. The case is currently before the U.S. Court of Appeals for the Fifth Circuit where the administration continues to defend DACA. USCIS has taken steps to ensure that applicants for renewal receive their updated DACA within 120 days, including taking steps to ensure its online DACA processing form [announced](#) in 2022 operates efficiently. The administration also released a long overdue proposed rule that expands health coverage for DACA recipients, giving them the ability to apply for coverage through the Health Insurance Marketplace, where they may qualify

for financial assistance based on income and through their state Medicaid agency. If the rule is finalized as proposed, it could lead to [129,000 previously uninsured DACA recipients receiving health care coverage](#).

›› **ESTABLISHED A SERIES OF PROCESSES TO PROTECT WORKERS' RIGHTS BY DEEPENING COLLABORATION BETWEEN FEDERAL, STATE, AND LOCAL LABOR AGENCIES AND DHS.**

On January 13th, 2023, after years of courageous advocacy by immigrant workers, DHS established a process through which immigrant workers who are in labor disputes could avail themselves of protection from deportation. DHS, working with the Department of Labor (DOL) and other labor agencies, established a process for immigrant workers to apply for deferred action and a work permit valid for two years. This process has allowed workers, many of whom have been fearful of reporting labor law violations, to expose unscrupulous employers and create better working conditions for all workers, while giving labor agencies the power to thoroughly investigate such violations.

›› **STRENGTHENED DUE PROCESS IN THE IMMIGRATION COURTS.**

In September 2023, DOJ [proposed a rule](#) promoting judicial efficiency in immigration courts, giving immigration judges and the Board of Immigration Appeals (BIA) more flexibility in managing their dockets, and protecting due process for immigrants in removal proceedings. In addition, the rule rescinded Trump-era regulations that compromised due process, including shortened briefing schedules and limiting judicial authority in immigration proceedings. While the Trump rule has been [blocked in court since 2021](#) and thus has not been in effect, the Biden-Harris administration's effort to enshrine these protections in regulation demonstrates its commitment to promoting fairness in the court system and making lasting changes that will be difficult for future administrations to unwind.

In addition, on December 21, 2023, the Executive Office for Immigration Review issued guidance to adjudicators and personnel discussing its specialized juvenile dockets and setting out guidelines for all children’s cases. This guidance will help ensure that immigration judges effectuate child-friendly courtroom procedures that protect the due process rights of children.

›› **TOOK MUCH-NEEDED STEPS TO PROTECT THE RIGHTS OF MIGRANT WORKERS, INCLUDING MIGRANT CHILDREN.**

In early 2023, an explosive [New York Times news article](#) published an investigation into the widespread use of migrant child labor across the country. In response, the Biden-Harris administration [took immediate steps](#) to provide these children protection and services, in addition to [ramping up investigations of child labor violations](#). Additionally, both DHS and DOL published proposed regulations to [improve protections](#) for temporary workers in the agricultural and non-agricultural sectors. If finalized, these regulations will establish stronger measures to protect temporary workers from exploitation and strengthen the government’s ability to investigate and enforce violations of labor law. In October 2023, the White House released a [report](#) of the H-2B Worker Protection Task Force, which was [created the previous year](#) to address program integrity and worker exploitation. The task force pulled together DHS, State, DOL, and USAID to collaborate and advance protections for workers, including strengthened enforcement mechanisms to combat unscrupulous employers and empowering workers by improving their access to critical information about their labor rights and immigration options.

›› **CONTINUED EFFORTS TO REDUCE IMMIGRATION BACKLOGS BY STREAMLINING THE ADJUDICATION PROCESS AND TERMINATING CUMBERSOME POLICIES AND PRACTICES THAT ARE NOT REQUIRED BY LAW.**

In myriad ways, the government took important steps in 2023 to ameliorate some of the harms caused by the enormous backlogs plaguing the immigration system. For instance, USCIS [increased the maximum validity period to 5 years](#) for initial and renewal work permits for a large swath of people including applicants for asylum or withholding of removal, adjustment of status under INA section 245, and suspension of deportation or cancellation of removal. These longer validity periods will pull hundreds of thousands of unnecessary renewal applications out of the backlog, allowing the agency to focus on newer cases. In addition, USCIS made numerous “around the edges” changes to help speed up processing and provide greater access to immigration benefits, including [exempting certain people from unnecessary fees](#), clarifying who is subject to [public charge](#), making it [easier to obtain a green card](#) and a [work permit](#) for those who are already eligible, and offering clarifying guidance to those seeking [certain non-immigrant](#) visas. While USCIS has made some progress towards improving case processing, long backlogs persist across the agency due, in part, to an increase in applications stemming from its growing role in supporting the humanitarian response at the border. The Department of State (State) has also dramatically improved overseas visa processing, issuing over 10 million visas worldwide in fiscal year 2023. This success has been due in part to the use of innovative and efficient policy and procedures, including increased interview waivers. However, for those who must attend an interview, wait times continue to be lengthy, and State must marshal its resources to ensure that people have meaningful access to consular services.

›› CUT THROUGH BUREAUCRATIC RED TAPE TO ADDRESS HARMFUL “AGE OUT” ISSUES AND KEEP FAMILIES TOGETHER.

USCIS made several important updates to its policies and procedures to allow families to stay together. First, it allowed certain children dependent on their parents’ applications for green cards to [freeze their age at the time an application to adjust status is filed](#), instead of when a visa number became available for final action and the agency later issued final approval. Given the outdated statutory caps and processing delays, it can be years between when a parent files an application for a child (under 21 years of age) and when the visa becomes available for final approval of green card status. For many families, some of their children were no longer considered children in the eyes of the law when their visa availability date arrived, and they could no longer immigrate with their parents. This much-needed update rectifies that situation for those individuals helped by the differential between the dates for filing and final action. USCIS [further refined this new interpretation](#), ensuring that as many people as possible could benefit from the shift in policy by allowing impacted individuals to reopen their cases. While this was a welcome change from USCIS, disappointingly the Department of State (State) did not update its policies, creating a split interpretation that is harming families living abroad.

›› ESTABLISHED A SPECIALIZED PROCESS FOR EXAMINING STATELESSNESS.

The administration created a [new process for stateless people to access immigration benefits](#) for which they may be eligible. Stateless persons are those who are not legally considered citizens of any country, and therefore may be denied legal identity documents, and struggle to access education, healthcare, marriage, and job opportunities. Individuals can be born stateless or become stateless due to discrimination, war and conflict, or changing borders and laws. The United Nations High Commissioner for Refugees (UNHCR) estimates there are [approximately 218,000 people](#) residing in the United States who are potentially stateless or at risk of statelessness. The new guidance clarifies when and how USCIS may consider a noncitizen stateless for the purpose of adjudicating immigration benefits or other requests.



2024 PRIORITIES

›› USE ALL AVAILABLE ADMINISTRATIVE TOOLS TO PROVIDE RELIEF TO LONG-STANDING RESIDENTS.

Only Congress can make the broad statutory reforms needed to bring our immigration system into the 21st century. Given its inaction, the executive branch must work within existing law, insufficient as it is, to make changes that offer relief to immigrant families. The following are three recommendations that would provide relief to hundreds of thousands:

- **Leverage authorities to protect the spouses of Americans:** An estimated 1.1 million U.S. citizens live with undocumented spouses. Of those nearly 135,000 individuals in the U.S. who need to consular process with certain waivers to obtain green cards are stuck in the 3.5-year-long provisional unlawful presence waiver [backlog](#). The administration should allow them to adjust status without leaving the U.S. through use of parole-in-place. In addition to being an equitable remedy for those already harmed by the backlog through no fault of their own, parole would serve a humanitarian interest and advance a significant public benefit by protecting those with pending waiver applications against the threat of deportation, making judicious use of limited government resources, and making it possible for such individuals to better support themselves and their families by working lawfully. The administration must also allow these individuals to apply for work authorization as they inch through the growing backlog by updating the employment authorization regulations to allow provisional waiver applicants to apply for work permits much like those seeking to

adjust status within the United States. Improving access to work permits may restore faith in the promise of the otherwise sound and common-sense provisional waiver program.

- **Modernize the cancellation of removal process:** This [proposal](#) would allow thousands of individuals in mixed-status families to access a form of relief known as “cancellation of removal.” This tool is currently unavailable outside the defensive immigration court context, but administrative changes could open this relief to more people, so they can access it outside of an often-pressurized court setting and apply for work permits while they wait their turn in line for a green card. Letters from both the [House](#) and the [Senate](#), as well as 24 of the nation’s largest [Hispanic civil rights organizations](#) have called on the administration to implement this form of relief without delay. In addition, children’s groups have called on the administration to ensure that any such guidance includes a “best interest of the child” framework.
- **Clarify and streamline DACA-recipient access to nonimmigrant visas:** While some DACA recipients who haven’t accrued any “unlawful presence” may already be able to leave the country to seek admission on a nonimmigrant status like a TN or H-1B, others would have to cure certain immigration infractions like the 3/10-year bars that would attach upon departure in order to do so. Stateside waiver adjudications, guidance on expediting requests, the development of presumptions of waiver eligibility, and clarification about H-1B cap exempt entities, among other policies, could help speed up the current multi-month consular processing period for these cases and encourage more undocumented people in the country today to pursue paths to lawful status for which they may be eligible. These tools could increase opportunities for individuals to stabilize their status in the country consistent with the terms of relevant nonimmigrant visa programs.

For example, an estimated 216,000 DACA-eligible students are pursuing graduate and professional degrees, and of those 43% have an undergraduate [STEM degree](#).

›› **DESIGNATE COUNTRIES FOR TPS OR DED WHEN CONDITIONS MERIT IT AND COUNTRIES ARE UNABLE TO ADEQUATELY CARE FOR OR PROTECT THEIR NATIONALS.**

The Biden-Harris administration has made some 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. But it should more broadly utilize these 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 other currently-designated countries, including Haiti, which is up for redesignation in August 2024, but also issuing new designations for the countries with designations that were terminated during the prior administration for discriminatory reasons (i.e., El Salvador, Honduras, Nepal, and Nicaragua). Most urgently, the administration should halt all deportations to countries that have been designated for TPS. It is unconscionable to return people to countries where conditions are so degraded that they warrant protection of those nationals in our country.

›› **TAKE ALL NECESSARY STEPS TO PROTECT DACA RECIPIENTS.**

In 2023, Judge Hanen of the Southern District of Texas invalidated the DACA rule [promulgated](#) by the administration, but kept intact the ability for renewal applications to move forward. With ongoing litigation threatening to end DACA and Congress failing to enact legislation to protect DACA recipients, the Biden-Harris administration must do everything in its authority to

help DACA recipients find durable relief and ensure renewal applications are processed expeditiously. It must communicate a comprehensive “DACA resiliency” plan with all administrative tools 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 may turn to if DACA ends. Clarifications to existing procedures also warrant exploration, including revisiting the current grounds for approving DACA-recipient requests for advance parole, and clarifying the rules around those DACA holders who seek to depart the country to be admitted into a nonimmigrant classification. In addition, DOJ should avoid weakening DACA in the course of pending litigation by proposing to sever the connection between deferred action and work authorization. It is not only questionable on the merits but also undermines the livelihoods of thousands who have come to rely and depend on work permits as part of being DACA holders.

›› **FINISH THE JOB ON ITS REGULATORY PRIORITIES, PARTICULARLY THOSE IMPACTING MANY LONG-TERM RESIDENTS.**

Because an administration’s regulatory agenda is one of the best ways to preserve and expand enduring policy changes, the administration must move aggressively and decisively on regulations it has listed as priorities for its first term in the most recent [Unified Regulatory Agenda](#). In its last year, the administration must prioritize finalizing regulations [expanding healthcare for DACA recipients](#), [keeping immigration fees reasonable](#), [modernizing the H-2 visa program](#), and [promoting due process in immigration courts](#). It must also propose rules on improving [citizenship and naturalization](#), [adjustment of status](#), [U-visa](#) and [affirmative cancellation of removal](#) processes, [detention and bond procedures](#), and access to [asylum by promoting fair and efficient adjudications](#), and finalize them as soon as possible. To promote efficiency in consular processing,

the State Department must make permanent the temporary final rule to [waive in-person interviews](#) in certain visa categories. Commendably, DOS at the end of 2023 issued an [“Important Update”](#) on interview waivers covering several visa categories and committed to reviewing them on an annual basis that allows for future expansion.

›› RESCIND HARMFUL DOJ IMMIGRATION DECISIONS ISSUED DURING THE TRUMP ADMINISTRATION.

The Trump administration aggressively used the Attorney General’s authority to certify immigration cases, and thus liberally rewrote immigration law and policy. During his four-year term, Trump’s Attorneys General used this authority 16 times, altering broad swaths of immigration law. One of the Biden-Harris administration’s mandates was to immediately rescind these harmful decisions, but to date, Attorney General Garland has moved disappointingly slowly, only rescinding six. This must change. Many Trump-era decisions with dubious legal underpinnings remain on the books and are actively harming immigrant communities. One such example is [Matter of Zhang](#), which holds that the government does not have to show intent when it comes to false representations of U.S. citizenship, effectively permanently barring many people from accessing citizenship if they mistakenly check a box saying they are a U.S. citizen, for example on a loan or other such application. Another is [Matter of Castillo-Perez](#), which created, whole cloth, a presumption that those with more than one DUI conviction are unable to establish “good moral character,” even if the person in question was rehabilitated. Attorney General Garland must immediately rescind these decisions, and more extensively use his certification authority to advance fair and just interpretations of our immigration laws.

›› TAKE STEPS TO FAIRLY INTERPRET EXISTING RULES TO LIMIT BARRIERS THAT KEEP FAMILIES APART.

The administration should streamline policies and procedures to help those who may need to seek waivers of inadmissibility as part of their applications for nonimmigrant visas. As mentioned above, stateside waivers for non-immigrant visas could help thousands of DACA recipients. DHS and State should also issue new policy guidance on the *Arrabally* decision to clarify that in all cases when an individual physically leaves the United States pursuant to a grant of advance parole, the individual shall not be deemed to have made a “departure” within the meaning of INA section 212(a)(9)(B)(i). This would apply the logic of the Board of Immigration Appeals’ ruling to both the 3- and 10-year inadmissibility bars to make clear that individuals who travel outside the U.S. on advance parole and subsequently seek admission on a nonimmigrant visa have not made a departure. Such guidance will ensure consistent application of the *Arrabally* decision across Departments, and provide greater clarity to individuals with advance parole of their travel’s consequences.

›› SPEED UP EFFORTS TO CLOSE THE WORST AND SURPLUS DETENTION FACILITIES, REDUCE THE USE OF DETENTION, AND PURSUE 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, in 2023 the Biden-Harris administration continued to wrongly rely on detention as a deterrent and housed persons in detention facilities that endangered their health and safety, making it harder for them to access counsel and achieve success in their cases. The administration must significantly reduce the use of detention and eliminate its use as a punitive policy. It should also uphold its commitment to end

prolonged detention and revise instructions, so asylum seekers are no longer essentially labeled detention priorities. While the administration has ended family detention, ICE's new Family Expedited Removal Management program, launched in May 2023 in an effort to speed up removals of arriving family units, has been criticized for [lack of due process](#) and [transparency](#), in particular with its [plans for expansion](#). Shockingly, fewer than 3% of people in FERM have [legal representation](#). Finally, the administration must finalize its immigration detention and bond regulation proposed in the most recent [Unified Regulatory Agenda](#) and include provisions that mitigate suffering for immigrants and their families and strengthen due process protections in the immigration detention system, [as called upon by Congress](#).

› › **ENSURE THE PRESIDENT'S 2024 BUDGET CONTINUES TO CONNECT THE URGENT NEED FOR IMMIGRATION REFORM TO THE NATION'S CLIMATE, INFRASTRUCTURE, AND JOBS PRIORITIES.**

With the [unemployment rate hovering below 4%](#), labor shortages continue to plague our country and economists agree that, as our population ages, these shortages will persist. For decades, our nation's immigration system has failed to keep pace with our important national and economic interests. Immigration to the United States [remains a key driver of economic growth](#) and millions of immigrants, both documented and undocumented, fill important roles in the nation's workforce, creating additional opportunities for other workers and [filling jobs deemed essential](#) to the nation's critical infrastructure, including during the coronavirus pandemic. As the country continues to face historic labor shortages, inflation, and supply chain issues that are harming consumers and businesses alike, immigrants are increasingly needed to help grow the American economy and enhance America's ability to compete globally. As in 2023, the Administration must continue to make the case in its annual budget that immigration reform is an essential component for the nation's economic health and vitality.

› › **PREVENT JOB LOSS DUE TO PROCESSING DELAYS AND IMPROVE PROCESSING FOR WORK PERMIT APPLICATIONS.**

The administration must address work permit application processing delays. If the administration does not act quickly, hundreds of thousands of immigrants who applied to renew their work permits will lose their jobs due to processing delays. The administration must publish an interim final rule that creates a longer work permit extension without delay. The President must prioritize requesting dedicated funding to process work permit applications, as well as allocating more resources within USCIS for work permit processing. With faster processing times, businesses can more easily hire and retain employees, which will improve economic growth and reduce inflation. The administration should make it easier to apply for a work permit and expand their e-filing system to include the fee waiver form.





— 2. ROOTING OUT DISCRIMINATION AND ANTI-BLACKNESS IN THE IMMIGRATION SYSTEM

WHILE THE BIDEN-HARRIS ADMINISTRATION has taken steps to address many of the most egregiously racist and anti-immigrant policies of the last administration, the racism that has long been embedded within our immigration system continues to lead to the discriminatory treatment of people of color, especially Black, Indigenous, and Brown migrants. The priorities in the 2023 Blueprint continue to be salient for 2024 and require even more urgency, as in the run-up to the presidential election, powerful forces will continue to politicize the issue of immigration at the expense of immigrants, asylum seekers, and communities of color, putting people's safety at risk. It is vitally important that the administration counter such demagoguery by naming it and working to combat discrimination, racism, and anti-Blackness in the immigration system itself.

2024 PRIORITIES

›› REJECT THE PUNITIVE AND DISCRIMINATORY TREATMENT OF HAITIAN PEOPLE SEEKING PROTECTION AND FAMILY REUNIFICATION AND UTILIZE PAROLE TO EXTEND NECESSARY PROTECTIONS.

Haiti has been correctly designated (and redesignated) for TPS several times, providing relief to tens of thousands of people. In addition, the administration's creation of the Cuban, Haitian, Nicaraguan and Venezuelan parole process and the [modernization of the Haitian Family Reunification Program](#) have been welcome sources of relief and should be accompanied, for Haitians and all others, by a clear re-parole process to extend people's parole status before [expiry](#). However, deportations of Haitians continued throughout 2023, despite the Biden-Harris administration's [red-alert warning](#) to U.S. citizens that Haiti is extremely dangerous. In addition, the limits the administration has put on asylum seekers who do not use existing lawful pathways are unconscionable and have left Haitians stranded, waiting months in danger in Mexico. Consistent with the most recent redesignation of Haiti for TPS, the administration also must halt forced repatriation flights to Haiti, and enable people to ask for and receive asylum adjudications with due process protections.

›› ENSURE GENUINE ACCOUNTABILITY FOR THE ABUSES PERPETRATED AGAINST HAITIAN ASYLUM SEEKERS IN DEL RIO AND FUNDAMENTALLY REFORM DHS ACCOUNTABILITY IN GENERAL.

In 2021, President Biden and Secretary Mayorkas strongly condemned the abusive mistreatment of Haitian asylum seekers by Customs and Border Protection (CBP) personnel in Del Rio, Texas. 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 instead of being subject to an independent investigation of the abuse by the DHS Office of Inspector General and/or by the DOJ, CBP’s Office of Professional Responsibility investigated its own component. The [CBP report](#) concluded that its agents did engage in the “unnecessary use of force” against Haitian asylum seekers, and four agents were recommended for disciplinary action. However, to date no information has been released about any such sanctions and the investigation has been widely [criticized](#). Moreover, in June 2023, the government sought to dismiss a class action lawsuit filed on behalf of plaintiffs seeking justice for abuse, unlawful detention, and expulsion of thousands of Haitians in Del Rio. The case remains pending.

›› END THE ABUSE OF BLACK IMMIGRANTS IN ENFORCEMENT AND DETENTION.

[Studies show](#) that Black immigrants are disproportionately subjected to deportation, at heightened risk of harsh and abusive treatment within the detention system, and are [disproportionately denied release from detention](#). 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 enforcement and detention and take meaningful steps to root it out and protect Black lives. As stated above, the resumption of removal flights to Haiti, despite U.S. government warnings about the dangerous situation there, is emblematic of the perpetuation of anti-Blackness in the immigration system. The administration should halt these flights immediately.

› › **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-Harris administration quickly repealed discriminatory bans erected by the previous administration to effectively terminate the diversity visa program. But over the past three years, it has continued to argue in court that people who were wrongly banned from entering the country during the last administration should not now be permitted to immigrate here. This administration should resolve the litigation, including by withdrawing its appeal in *Gomez v. Biden*, which is now awaiting a decision in the U.S. Court of Appeals for the D.C. Circuit, and quickly process for admission all individuals who were unjustly blocked.

› › **INVESTIGATE AND END DISCRIMINATORY USES OF THE FEDERAL CRIMINAL LEGAL SYSTEM TO HARM IMMIGRANTS.**

In late summer 2023, an [explosive L.A. Times investigation](#) uncovered a federal effort to prosecute migrants at the southern border using an obscure law meant to fight drug trafficking. This law—[19 USC 1459](#)—carries a maximum sentence of one year, double the length of the more commonly used charge of [illegal entry](#), which carries a maximum sentence of six months. In Del Rio, Texas, federal prosecutors charged more than 200 migrants under this law, with more than 60% of these charges filed against people from Muslim-majority countries, when citizens of Muslim-majority countries make up less than 5% of the people who cross the southern border. In addition to discriminatory prosecution concerns, such prosecutions are also inconsistent with the Refugee Convention’s prohibition on improper penalties against people seeking refuge. While [DHS’s Office for Civil Rights and Civil Liberties is investigating](#) this questionable exercise of prosecutorial authority, its jurisdiction is limited to CBP referrals rather than DOJ actions. Advocates have called on DOJ’s Civil Rights Division and the DOJ Inspector General to open their own investigations into the prosecutors, but so far there have been no public indications of such action. Moreover, advocates and media have reported on DOJ’s concerning widespread use of [material-witness detention](#) to keep thousands of uncharged migrants in jail as witnesses to smuggling. These examples are emblematic of the vigor with which U.S. Attorney’s offices can use federal criminal law to prosecute and/or detain migrants who present no aggravating factors, and it is incumbent on DOJ to immediately end all federal migration-related prosecutions.

›› **ENSURE THAT BLACK IMMIGRANTS HAVE MEANINGFUL ACCESS TO LONG-LASTING IMMIGRATION RELIEF TO STOP THE ARREST-TO-DEPORTATION PIPELINE.**

Four years of horrific Trump policies exacerbated the harmful impacts of the long-standing disparities within our immigration system. Black immigrant communities have been disproportionately targeted by immigration enforcement, as discussed above and including the discriminatory travel ban targeting African countries. Family separation policies also inflicted long-lasting harm on Black immigrant families arriving at the border. Over-policing in Black communities has exacerbated [disparate treatment in the immigration enforcement system](#), including lengthier detention stays, dissimilar bond determinations, and increased subjection to deportation. For these reasons and more, it is crucial that in crafting relief and protection for undocumented immigrants, the experiences of people in the African and Caribbean diasporas be prioritized in order to curb the effects of the arrest-to-deportation pipeline.

›› **ENSURE LANGUAGE ACCESS FOR BLACK AND INDIGENOUS ASYLUM SEEKERS.**

In 2000, President Bill Clinton signed Executive Order 13166, “Improving Access to Services for Persons with Limited English Proficiency,” establishing the legal foundations for providing language access programs to non-citizens. The order, which [enforces](#) Title VI of the 1964 Civil Rights Act, requires agencies that receive federal funds to offer language services for all individuals using their services reasonably. However, the federal government continues to fall short in fully implementing that Executive Order, namely for asylum seekers from predominantly Black countries and for those who are Indigenous speakers. Although immigration agencies do face challenges that can make it difficult for them to provide real-time interpretation services for speakers of some languages, given the severity of outcome for those impacted, they must be

more proactive rather than reactive in their interpretation services—especially if it is a case where someone cannot adequately express their needs in oral language.

›› **GUARANTEE DUE PROCESS FOR DETAINED MAURITANIANS FLEEING FROM SLAVERY.**

There has been a [recent uptick](#) in the detention and deportation of Mauritanian asylum seekers. Last year, there were confirmed cases of individuals who faced imminent deportation because the government failed to provide language services in their asylum proceedings, especially during their credible fear interviews. There were also confirmed cases of multiple individuals being deported after being forced to sign deportation papers they did not understand. To ensure due process for Mauritanian asylum seekers, there must be an investigation of due process and language access issues with their asylum proceedings, they must be released on parole, and all deportation flights to Mauritania must be halted.

›› **CONTINUE TO STAND FIRM AGAINST TEXAS’ ANTI-IMMIGRANT AGENDA.**

In 2023, Texas Governor Greg Abbott and the Texas legislature continued to target and profile immigrants and people of color in Texas, by among other things installing concertina wire and floating barriers on the Rio Grande River and earmarking \$1.54 billion to continue construction of barriers along the 1,200-mile Texas-Mexico border. The state of Texas has also enacted harmful bills and Executive Orders, including state laws criminalizing unauthorized entry or re-entry into Texas from a foreign country and allowing Texas judges to order the repatriation of individuals back to Mexico without a chance to seek legal protections. The Biden administration’s opposition to these harmful actions, including successfully [asking the Supreme Court](#) to allow it to remove concertina wire installed by Texas at the border that interferes with federal duties, challenging the buoys in court, and, most recently,

filing a lawsuit against SB4 is laudable. However, neither CBP nor DOJ have released investigative findings about Operation Lone Star trespassing prosecutions, which systemically violate migrants' rights. We urge the administration to continue taking stances to address discriminatory and retaliatory actions by Texas and other states looking to replicate them.

» » **THE WHITE HOUSE TASK FORCE ON BLACK MIGRATION.**

Given that the Black migration experience is different from the experience of non-Black immigrants, it is crucial that the administration create a task force on Black migration to investigate and report on the disparate treatment of Black migrants at the southern border, in the northern border region, and in immigration detention facilities. The task force should also work in collaboration with immigrant rights organizations to seek ways to dismantle the prison-to-deportation pipeline, which disproportionately affects Black migrants.





— 3. PROMOTING SAFE AND ORDERLY MIGRATION PATHWAYS AND IMPLEMENTING AN EFFECTIVE BORDER MANAGEMENT SYSTEM

[MORE THAN 110 MILLION PEOPLE AROUND THE WORLD](#) have been forcibly displaced due to persecution, conflict, statelessness, and human rights violations.

Escalating climate change and dire economic necessity have also contributed to this historic upheaval.

While large increases are due to the war in Ukraine and continued conflicts and oppression in Syria and Afghanistan, we have seen significant increases in forced migration from Western Hemisphere countries close to the United States and reaching our southern border. In fact, almost 20% of the world's displaced population is from Latin America and the Caribbean, a region that accounts for only 8% of the global population. Venezuelan migration is Latin America's biggest displacement crisis ever and one of the current largest global migration crises.

By the end of 2023, [more than 500,000 people](#) had crossed the Darien Gap, one of most dangerous migratory journeys in the world, seeking to reach the United States. This is more than double the number from 2022, a previous record year. Tragically, some [25% are children](#). By far the largest numbers this year are Venezuelans who continue to flee their country, as well as third countries, due to political repression and a destroyed economy. [Combined with Venezuelans, Ecuadorians and Haitians make up about 84 percent of land crossers in 2023](#). Political repression, violence, and collapsing post-pandemic economies are also driving the flight of Cubans, Haitians and Nicaraguans. At the same time, increasing refugee-protection and integration deficiencies in Colombia and other countries in the region push some to seek refuge in the United States, as does escalating violence against migrants and asylum seekers. All of these conditions have led to record numbers of migrants crossing the US-Mexico border or fleeing their countries by sea. [According to CBP statistics](#), by August 2023, more than 2.8 million individuals were encountered attempting to come to the U.S., up from 2.7 million for all FY2022. The overwhelming majority—2.2 million—were seeking to cross through the US-Mexico border. These trends may well continue into 2024 and beyond.

The unprecedented increase in global migration flows requires smart responses designed to effectively address our new realities. The Biden-Harris administration should be commended for its efforts to broaden lawful pathways for entry into the United States, which, when fully operationalized, will further promote safety and order at our borders. In the year ahead, the administration should identify and expand more administrative opportunities that offer safe and orderly pathways for vulnerable populations seeking protection. Nevertheless, while recognizing the need to fairly, humanely, and expeditiously address unsuccessful claims for protection, the administration should avoid relying on reactionary and punitive measures, such as Title 42, Remain in Mexico (MPP), transit bars, and additional border walls.

It is hard to avoid the conclusion that these actions are designed to prevent individuals from making protection claims at all. Reliance on these and similar short-sighted, blunt enforcement measures, including pressuring other countries to act in ways that block protection claims, is counterproductive and futile, given the scope and magnitude of this global phenomenon—one driven by individuals forced to leave their current circumstances due to untenable conditions in their home countries.



2023 ACTIONS IN REVIEW

›› CREATED A PROCESS TO FACILITATE THE ENTRY OF NATIONALS OF CUBA, HAITI, AND NICARAGUA AND THEIR IMMEDIATE FAMILY MEMBERS.

Building on the parole process established for Venezuelans in October 2022, in January 2023, the Biden-Harris administration announced a parole process for up to 30,000 individuals per month from Cuba, Haiti, Nicaragua, and Venezuela (CHNV) who have a U.S.-based financial supporter, pass vetting and background checks, and meet other established criteria, to come to the United States for a period of two years and receive work authorization. Through the end of November 2023, [297,000 people](#) have entered the U.S. through this process. Disappointingly, the rollout of these parole processes was paired with punitive measures which undermine their humanitarian goals.

›› CREATED NEW FAMILY REUNIFICATION PROGRAMS.

Modeled on the long-standing, successful family reunification programs for Haiti and Cuba, the Biden-Harris administration developed similar, new processes for families whose relatives reside in Colombia, Ecuador, El Salvador, Guatemala, and Honduras. These processes allow eligible family members to be considered for parole into the United States while they wait for their family-based immigrant visa to become available.

›› MADE IMPROVEMENTS TO THE CENTRAL AMERICAN MINORS PROGRAM.

The Obama administration established the Central American Minors (CAM) program in 2014 to allow certain minors in El Salvador, Guatemala, and Honduras with qualifying lawfully present relatives in the United States to be admitted as refugees. Those who were found ineligible for refugee status were considered for parole. In August 2017, the Trump administration terminated the parole component of the CAM program. By the time CAM interviews ceased on January 31, 2018, nearly 1,800 CAM applicants had arrived in the United States as refugees, with another 1,450 as parolees. The Biden-Harris administration re-opened the program in 2021 and expanded eligibility to request access to the CAM program to legal guardians, as well as parents and legal guardians with pending asylum applications or pending U-visa petitions filed prior to May 15, 2021. [In April 2023](#), even more expansions were made, extending eligibility to certain parents or legal guardians with pending T visas and expanding the pool of U-visa applicants to include those who had filed on or before April 11, 2023, in addition to those who were not considered for parole after the Trump terminations.

›› EXTENDED PROTECTIONS FOR DISPLACED AFGHANS AND UKRAINIANS.

Many Afghans who arrived in the United States in the wake of the U.S. military withdrawal from Afghanistan were running out of time on their initial periods of parole. On June 8, 2023, DHS announced a [streamlined, fee-exempt re-parole process](#) for certain Afghan nationals paroled into the United States, allowing eligible Afghan parolees to apply for a new period of parole, also known as re-parole. DHS also announced that certain Afghan parolees with a pending asylum application or pending adjustment of status application will be automatically considered for re-parole without the need to file these applications. At the same time, HHS Office of Refugee Resettlement (ORR) [continued existing services](#) for those Afghan parolees who

reached the end of their initial parole period but had a pending application for re-parole, asylum, or adjustment of status. USCIS further announced that as a matter of policy, it would provide certain Afghan and Ukrainian parolees with the benefit of employment authorization [incident to parole](#) along with a no-fee initial work permit (and replacement of an initial work permit). Lastly, DHS extended and redesignated both [Afghanistan](#) and [Ukraine](#) for TPS which offers additional protections until 2025.

» » **PUBLISHED AN UPDATED USCIS FEE SCHEDULE.**

On January 31, 2024, USCIS published a final fee schedule after years of inaction. While the fee rule raised fees for certain immigration applications, including some businesses, it exempted fees for many humanitarian applications, codified the fee waiver language for the first time, and kept naturalization fees affordable, recognizing the burden that fees and the fee waiver process can have on vulnerable and low-income individuals.



2024 PRIORITIES

» » **OBTAIN APPROPRIATED FUNDS FOR USCIS.**

When the Biden-Harris administration took back control of the immigration agencies, it encountered a USCIS in precarious financial straits, starved of resources by the Trump administration, and on the brink of furloughing thousands of employees. After three years, the agency is on the road to recovery, but large backlogs persist, and employee shortages remain. Unlike other components of the immigration system, USCIS depends on user fees to fund the majority of its operations. With the vast humanitarian need across the globe, including an increase in asylum seekers at our southern border, refugees worldwide, and new parole programs to assist vulnerable people from Ukraine, Afghanistan, and the Americas (along with pressure from overstretched cities and states), USCIS is rightly providing many services, including work permits, for free. The traditional fee model, understood within this context, is unsustainable. While Congress has appropriated funds to USCIS on an emergency basis in recent years, it is imperative that Congress acknowledge the agency's importance within a modern, whole-of-government approach to fair, humane, and orderly border management and humanitarian processing and fund these operations immediately.

›› **FUND AND IMPLEMENT AN EFFECTIVE FULL-SCALE APPROACH TO BORDER MANAGEMENT.**

Rather than build more border wall, which the [President admits](#) does not work, the Biden-Harris administration must strengthen our response to regional migration (addressed in Section E) which is essential to decreasing the numbers of persons coming to the United States. Additionally, to fairly and efficiently manage our borders and beyond, the administration must put in place the infrastructure and personnel to establish one-stop welcome centers to humanely conduct initial CBP processing of new arrivals, address urgent humanitarian needs, and end the misery that exists today. But this will take money. Congress must fund President Biden's efforts to improve the efficiency of DHS and DOJ agencies, expand welcome centers that follow best practices, including meaningful partnerships with the NGO community, and modernize our border infrastructure to facilitate the flow of travel and commerce and better equip border officials to combat the smuggling of guns, drugs and other contraband. Additional effective steps the administration should pursue are outlined below:

- **The administration must lead in developing and supporting robust communication, planning and coordination among federal, state, and local governments, and civil society.** Migration is a federal issue that requires a strong federal response. Rather than stand by as anti-immigrant government leaders transport new arrivals to other cities, the federal government should neutralize these escalating theatrics by [taking the lead in developing and implementing a coordinated response](#). This approach will not only better serve localities at the border and in the interior, but also help ensure that arriving migrants in need of support can be matched with a destination prepared to provide services and opportunities. To be successful, it is imperative that both border communities and those in the interior be involved in decision-making, accountability, and oversight.

- **The administration and Congress should work together to adequately fund and support local communities at the border and around the country assisting newly arrived migrants and refugees.** Congress and the Biden-Harris administration should continue to robustly fund FEMA Shelter and Service Program (SSP) humanitarian grants to ensure that organizations and state/local governments are funded to provide transportation, housing and other basic assistance to new arrivals. The administration and Congress should further support and fund programs designed to sustainably support asylum seekers and welcoming communities in the interior, such as the Case Management Pilot Program. DHS's recently announced [national education campaign on work permit eligibility](#) is laudable. In addition, the administration must continue to explore and expand opportunities for new arrivals to work legally in the United States as described in other sections of this paper.
- **Congress must fund the administration's plans to modernize and expand infrastructure at Ports of Entry (POEs).** In addition to supporting CBP's Office of Field Operations (OFO) in their core functions facilitating travel and commerce and thwarting the entry of dangerous contraband, investments are needed to better accommodate CBP processing of more asylum seekers at POEs, both with CBP One appointments and walk-ups exercising their legal right to seek asylum, including spaces for individuals to meet with attorneys in preparation for processing. CBP One appointments have been frozen at 1,450 per day in the second half of 2023 at only eight ports; these quotas urgently need expansion and refinement by the administration to incorporate prioritization of the most urgent situations. OFO should be tasked with improving technology for remote VTC processing and resourced to increase the number of well-trained staff, add more lanes at POEs, and expand operating hours to ensure the efficient flow of people and

commerce at the border. Congress should also fund the ability for CBP to surge staff and resources to POEs when these sites require more assistance to process more individuals, particularly ones in vulnerable conditions.

›› **PROCESS IMMIGRANT VISAS UP TO THE NUMERICAL LIMITS ON FAMILY-BASED, EMPLOYMENT-BASED, AND DIVERSITY VISAS IN FISCAL YEAR (FY) 2024.**

[Preliminary estimates](#) suggest that at the end of fiscal year 2023, the government issued all available employment-based immigrant visas, including more than 145,000 to individuals already present in the United States. However, due to lingering effects from State’s considerable visa backlogs, significant numbers of family-based immigrant visas continue to go unused, and in fiscal year 2024, it is estimated that [21,000 will roll over to the employment-based category](#), robbing thousands of families who have been waiting decades for the ability to reunite. In 2024, the administration must take meaningful steps to ensure that consular operations around the world are restored to their full capacity so that family-based immigration can be reestablished. USCIS must also reduce its processing backlogs, including those pertaining to the adjudication of provisional unlawful presence waivers, so that all family-based immigrant visa numbers are utilized and families are reunited in the United States. In October 2023, the administration published an [Executive Order on Safe, Secure, and Trustworthy Development and Use of Artificial Intelligence](#) which directed DHS and State to “use their discretionary authorities to support and attract foreign nationals with special skills in AI and other critical and emerging technologies seeking to work, study, or conduct research in the United States.” As part of this effort, the administration should consider administrative green card recapture, which would allow the agencies to use unused green cards from previous years, preventing bureaucratic waste and helping thousands of immigrant families.





— 4. RESTORING AND STRENGTHENING THE ASYLUM AND REFUGEE SYSTEMS TO ENSURE HUMANE TREATMENT AND PROTECTION

AS MENTIONED ABOVE, we are experiencing a global increase in people fleeing their homelands due to political instability, violence, repression, and other factors. Of the estimated 110 million forcibly displaced persons around the world, [more than 43 million are children](#). Almost 70% of these people have found protection in their neighboring host countries. These are countries with significantly fewer resources and capacity than the United States, including Pakistan, Turkey, and Colombia. Given these overwhelming global crises, the urgent needs in countries close to our borders, and the wealth and capacity of the United States compared to most other host countries, this administration must step up and do more to live up to our country's legal and moral commitments to provide robust protections to refugees and asylum seekers.

While the Biden-Harris administration has taken some commendable steps to offer protection to those fleeing violence and persecution, its actions have lacked consistency and there is much more work to do to follow through on stated commitments to permanent resettlement pathways like asylum and the U.S. refugee admissions program. The administration’s actions, and lack thereof, to address the asylum system have been glaring. After three disappointing years, it is crucial that the administration make good on its promises to build a more humane asylum system and meet the moment on protecting vulnerable people. Dismayingly, instead of taking every opportunity to fully eradicate the Trump administration’s cruel anti-protection policies, the administration promulgated a “Circumventing Lawful Pathways” rule that mirrors a vacated Trump rule, with legal changes designed to insulate it from litigation. In its last year, the Biden-Harris administration must fully dismantle all remaining vestiges of Trump-era asylum and refugee infrastructure and build a truly protection-oriented system that meets the urgency and dynamic needs of today. Finally, as discussed in Section C, the administration must overhaul border infrastructure facilities and policies and improve coordination and communication with both border and interior communities to humanely process asylum seekers and provide them with the care they need.

Moreover, the Biden-Harris administration should take care not to conflate its clear commitments to refugee resettlement with welcome, but separate, initiatives to expand lawful pathways. As the administration deploys sensible border management strategies like improving access to lawful pathways, it must remain committed to rebuilding a U.S. resettlement program that is resilient, nimble, efficient, and equitable—where the infrastructure overseas and domestically can responsibly and meaningfully resettle 125,000 refugees and 25,000-35,000 SIVs—welcome commitments for 2024 made by the administration last year. U.S.-based service providers continue to do their part to expand their capacity to welcome refugees, humanitarian parolees, and other newcomers—often without sufficient resources to do so.





2023 ACTIONS IN REVIEW

›› SCALED BACK IMPLEMENTATION OF ASYLUM OFFICER RULE.

From 2021 to 2022, the Biden-Harris administration spent considerable time and resources crafting a rule designed to reform the asylum process and alleviate the immigration court backlogs. [The interim final rule, published on March 29, 2022](#), known colloquially as “the asylum officer rule,” provided persons who establish a credible fear of return to their home countries the opportunity to receive a speedier, non-adversarial asylum interview with an asylum officer instead of being referred to an adversarial immigration court proceeding. The new process is well-placed to improve the efficiency of asylum adjudications, provided key improvements are made to remedy unworkable timelines. But by [April 2023](#), before the asylum officer rule could be fully implemented, the administration announced that it was scaling back its use by reassigning asylum officers to instead conduct credible fear interviews of new border crossers under the restrictive “Circumventing Lawful Pathways” regulation.

›› REPLACED TITLE 42 WITH AN ASYLUM REGULATION REMINISCENT OF A TRUMP-ERA ASYLUM BAN.

[On May 11, 2023](#), the Biden-Harris administration finally lifted the COVID-19 public health emergency in place from March 2020, which had resulted in the expulsion of an [estimated 2.8 million persons](#). That day, the administration published a new [final rule](#) that barred most people from accessing asylum at the southern border if they transited through a third country and did

not seek and get denied asylum there or if they did not make an appointment through CBP One, an app through which people avail themselves of new parole processes. This rule was similar to a vacated Trump-era rule, and in July, [a district court blocked it](#); however, it remains in effect and is being implemented while the appeal makes its way through the courts. The rule, which generated strong [opposition](#) from a diverse range of organizations and Biden administration allies, has [proven](#) counterproductive from a migration management perspective and left vulnerable asylum seekers stranded in places where they are targets of widespread kidnapping, torture, and violent assaults. It has also been used to circumvent Congressionally established protection screening standards through due process-deficient expedited removal, which leaves asylum seekers overwhelmingly without legal representation and [traumatizes](#) families with children, even when conducted outside detention as in the FERM program.

›› REUNITED CHILDREN SEPARATED FROM THEIR PARENTS BY THE PAST ADMINISTRATION AND SETTLED THE TRUMP-ERA CLASS ACTION LAWSUIT.

The Trump administration’s “zero-tolerance” policy was a moral stain on the country which caused irreparable harm to thousands of children and their families. In 2021 the Biden-Harris administration stood up the Interagency Task Force on the Reunification of Families to begin the difficult work of finding and reuniting separated families, providing just compensation to those harmed, and adopting new policies and practices to prevent future

unjustified separations contrary to the best interests of the child. On October 16, 2023, the administration finally reached [a court settlement in *Ms. L. v. ICE*](#), a class action lawsuit filed in 2018 against the Trump administration seeking relief for the separated parents and children. The settlement calls for continued reunification of families, limits the circumstances of future family separations, and requires provision of services to support separated families, such as behavioral health services, medical assistance, temporary assistance for housing, and limited legal orientation for their immigration cases. From 2021 to 2023, nearly 4,000 children were identified who were separated by the past administration's policies. Working closely with organizations in and outside the United States, the Task Force focused their efforts on children who remained outside the United States. By the date of the court settlement, [the Task Force had reunited more than 750 children](#) previously outside the country and had identified 85 other children in the pipeline for reunification.

›› **TERMINATED REMAIN IN MEXICO (MPP) BUT FAILED TO RESTART THE WIND-DOWN OF THIS TRUMP-ERA PROGRAM.**

In the summer of 2022, following [a win in the Supreme Court](#) and the lifting of a lower court injunction, the Biden-Harris administration terminated the notorious Remain in Mexico program and has not enrolled any new individuals, consistent with its comprehensive denunciation of the program's flagrant flaws and due-process violations. However, the administration inexplicably failed to restart the initial program's wind-down begun in 2021 prior to the injunction, leaving registered migrants in Mexico. The administration has permitted some MPP enrollees to enter and remain in the United States while awaiting their immigration court hearings, but it has failed to renew parole, precluding many of them from qualifying for work permits. The administration has also failed to reopen the cases of many other MPP enrollees who had cases terminated or were issued removal orders, either in absentia or

following denial of relief during sham merits hearings. An unknown number of other MPP enrollees remain outside the United States in limbo. A [lawsuit filed on behalf of these MPP class members](#) remains pending in federal court.

›› **COMMITTED TO ONCE AGAIN SEEKING TO ADMIT 125,000 REFUGEES.**

On September 29, 2023, the Biden-Harris administration issued the yearly [Presidential Determination on Refugee Admissions for Fiscal Year 2024](#), committing to admit 125,000 refugees for this upcoming fiscal year under the U.S. Refugee Admissions Program. The regional allocations break down as follows: Africa 30,000-50,000; East Asia 10,000-20,000; Europe and Central Asia 2,000-3,000; Latin America/Caribbean 35,000-50,000; and Near East/South Asia 30,000-45,000. For [Fiscal Years 2022 and 2023](#), the administration made similar commitments, falling considerably short in FY 2022 with only 25,465 admissions, but climbing to just over 60,000 in FY 2023. Although the FY2024 figure remains aspirational, the administration has worked diligently to repair a program gutted by the Trump administration. The administration has made significant steps forward particularly with respect to the overseas resettlement infrastructure, expanding and streamlining the refugee pipeline and adopting innovative new pathways and processing approaches. Reforms include efforts to improve and expedite the pace of resettlement in some cases and the [creation of Welcome Corps](#), a program that enables U.S. citizens and permanent residents to sponsor an individual to enter the United States as a refugee.



2024 PRIORITIES

›› RESCIND ALL THE TRUMP'S ADMINISTRATION'S REMAINING REGULATIONS DISMANTLING THE ASYLUM SYSTEM.

In its first two years, the Biden-Harris administration effectively relied on rulemaking and certified Attorney General decisions to overturn Trump administration regulations and decisions that eroded the legal underpinnings of our asylum system. But a number of other equally egregious Trump-era regulations remain in place. Although they may no longer be in effect, it is important that the administration vigorously dismantle them before the end of 2024. Two examples are 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 and withholding applicants, potentially returning victims of persecution and torture to their home countries in violation of our legal obligations. The administration published an [interim final rule](#) delaying the effective date of the so-called “Security Bars” rule until December 31, 2024, but formal rescission of this rule must be finalized. The administration must also halt [conducting credible fear interviews in CBP custody](#), as this policy fails to provide individuals with a meaningful opportunity to obtain representation and adequately present their claims; leads to rushed and often erroneous decisions and due process violations; and risks deporting individuals to face serious harm.

›› RESTORE ACCESS TO ASYLUM AND OTHER FORMS OF HUMANITARIAN PROTECTION AT THE BORDER.

Given the continued repression and violence in Cuba, Haiti, Nicaragua, and Venezuela, and growing political problems in other countries, like Ecuador, [Mauritania, and Mali](#), large numbers of persons seeking protection at the U.S.-Mexico border will most likely remain the new normal in 2024 and beyond. To effectively respond, the Biden-Harris administration must restore access to critical protections at the border. This means not only repealing the new asylum ban rule (but retaining portions rescinding Trump-era rules), but also significantly increasing asylum processing at ports of entry and fully redressing the effects of the Remain in Mexico program. In addition, U.S. agencies should take steps to end other barriers at ports of entry and uses of expedited removal where conditions are deficient and representation is impeded. The cases of all persons subjected to MPP that were terminated or led to removal orders must be reopened to atone for the harms inflicted on this population by that cruel policy. Relatedly, the administration must end its Circumvention of Lawful Pathways rule, facilitate the entry of all individuals still outside the United States who were subjected to MPP or that rule and want to return, and grant them humanitarian parole and work permits while they await the resolution of their immigration court proceedings.

›› **REVISE, FULLY REINSTATE, AND ADEQUATELY FUND THE ASYLUM OFFICER RULE.**

In publishing the final asylum officer rule, the Biden-Harris administration stated that [its purpose](#) was to provide efficient adjudication while preserving fairness. Although asylum and human rights experts rightfully noted a [number of shortcomings](#) with the rule during the comment period and its phased implementation, the new structure held promise of fulfilling both laudable goals. But the rule was never fully funded and implemented and required improvements to remedy unworkable timelines that undermine the efficiency and accuracy of the process. After making revisions to address the rule's most serious deficiencies, including, specifically, lengthening the relevant timelines to allow people to find counsel and properly prepare their cases, the administration should reinstate it and secure the necessary funding to hire and train adequate staff to properly implement it. This process will take time but coupled with other reforms, such as funding for legal representation and issuance of the long-awaited particular social group rule, it provides the best option for achieving both efficiency and fairness. USCIS should also take [steps](#) to improve the efficiency of its asylum adjudications so that cases that are eligible for asylum are granted there rather than unnecessarily referred to the immigration courts.

›› **CONTINUE TO REBUILD AND INVEST IN THE U.S. REFUGEE ADMISSIONS PROGRAM.**

The FY2024 refugee admissions goal demonstrates the Biden-Harris administration's commitment to the world to once again be a leader in global refugee resettlement, but the administration must make every effort to reach its 125,000 goal, consistent with the most recent [Presidential Determination on Refugee Admissions](#), while building on its critical efforts to improve the pace and timeline for resettlement. The administration should:

- **Formally request that Congress robustly fund refugee-related accounts that fund the Office of Refugee Resettlement.** This includes within the U.S. Department of Health and Human Services; the Bureau of Population, Refugees, and Migration within the State Department; and USCIS within DHS. It should be accompanied by policy and authorizing language that enable resettlement agencies to serve populations with temporary protections, such as Afghan and Ukrainian humanitarian parolees, establish eligibility for REAL IDs for Ukrainian humanitarian parolees, and create a Newcomer Housing Voucher within the Department of Housing and Urban Development. The need for significant investments in the overseas and domestic infrastructure for U.S. resettlement cannot be overstated; both regular appropriations and supplementals have been necessary to ensure our local communities are equipped with the resources they need to help newcomers integrate and thrive. The administration must also look to existing authorities and funding that can be re-allocated to support refugees and newcomers.
- **Bolster key personnel.** The administration should immediately appoint a high-level White House coordinator to oversee an interagency strategy to strengthen the U.S. resettlement program that fosters more collaboration and creatively addresses protracted issues that impact all Americans, like affordable housing.
- **Inoculate the U.S. resettlement program against future attacks or setbacks.** For example, the administration could put in place policy and regulatory frameworks that protect our capacity to welcome, expand the USRAP pipeline, allow for more sustainable and flexible funding, increase complementary pathways to permanent protection, and establish innovative programs that improve delivery of resettlement services—seeking input from refugee leaders throughout this process.

- **Continue to reckon with gaps in Western Hemisphere refugee allocations.** In light of the continued violence, repression, and political turmoil in nearby Latin American countries, and the inadequacy of alternative legal pathways to the United States for this population, the administration should continue to explore ways to increase the allocations for Latin America/Caribbean without reducing resettlement of refugees from Africa or other regions. The administration should also create a generous P-2 category to allow some individuals to access the refugee program directly, on the basis of certain criteria.

› › **FINALIZE THE PARTICULAR SOCIAL GROUP RULE.**

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, in line with the 1951 Refugee Convention and the 1967 Protocol. 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 Biden-Harris 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.

› › **FUND LEGAL REPRESENTATION AT NO COST TO EVERY INDIGENT INDIVIDUAL.**

In [some localities around the country](#), the number of noncitizens receiving pro bono legal representation in immigration court has grown, due to heroic efforts by state and local government officials, working with attorney associations, immigrant rights groups, and others. Nevertheless, every day [noncitizens](#) still overwhelmingly appear in immigration court

unrepresented, including vulnerable [unaccompanied children](#). [Detained noncitizens](#) fare far worse with only 14% having representation. Legal representation [significantly benefits](#) individuals at all phases of an immigration court proceeding, including by conveying an understanding of their rights and responsibilities, obtaining release from detention, and winning their cases. The Biden-Harris administration must commit to funding legal representation for indigent individuals in immigration proceedings, starting with seeking a robust funding request in its next budget. Failure to do so is a travesty of justice.

› › **MAKE ASYLUM PROCESSES MORE ACCESSIBLE AND TRANSPARENT.**

The administration must prioritize requesting funding to address asylum backlogs and allocating more agency resources to process asylum applications. The administration should also make the asylum system accessible for all applicants. The process of seeking asylum should be easy to understand and complete. The administration must give asylum seekers more information about the timing of their asylum cases. The administration should create a system like the visa bulletin for asylum interviews. With more information about processing times, asylum applicants can better manage their cases.



— 5. STRENGTHENING COLLABORATIVE HEMISPHERIC MIGRATION MANAGEMENT, INCLUDING ON CLIMATE MITIGATION, AND PROMOTING REGIONAL COOPERATION

EARLY ON IN ITS TERM, the Biden-Harris administration correctly recognized that regional responses were needed to address migration. On February 2, 2021, President Biden issued [an executive order](#) creating a comprehensive regional framework to manage migration and address the causes of migration. The implementation of this important framework was thwarted by an immediate increase in numbers arriving at the U.S.-Mexico border and the ongoing coronavirus pandemic. But in June 2022, the administration took concrete steps forward by [hosting a summit](#) of Western Hemisphere leaders to present and galvanize support for the historic Los Angeles Declaration on Migration

and Protection (L.A. Declaration), designed to strengthen hemispheric cooperation and protection and create initiatives for safe and orderly migration and cooperation.

Unfortunately, eighteen months later, modest progress has been made to implement the L.A. Declaration and U.S. efforts to bar people from asylum and its violation of international refugee law are counterproductive to encouraging other countries to welcome, protect, and host more refugees. Welcome measures, such as the CHNV humanitarian parole programs, are providing safe legal avenues for tens of thousands each month, but many are unable to use the program because they lack the requisite sponsorships and passports. Changes to the family reunification programs for Cubans and Haitians, and the creation of new family reunification programs for nationals from Colombia, El Salvador, Guatemala, and Honduras also promote orderly migration from the region. All of these programs will take time and considerable resources to fully implement. In addition, the recent administration pledge to contribute \$25 million (with additional funds from Canada, Korea, and Spain, along with matching funds from the Inter-American Development Bank's (IDB) Ordinary Capital, totaling \$89 million) to the IDB's efforts to support countries addressing current migration challenges in the region is a positive but insufficient step. Beyond the U.S., major host countries in the region have announced and started to implement some encouraging, if few, policies to better manage migration, but bolder financial support from the U.S. and large donors is needed to support these efforts.

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. In February 2023, the Vice President announced the [new initiatives for Central America](#) designed to improve conditions in El Salvador, Guatemala, and Honduras. Their aim is to assist people in the region by addressing economic, governance, and security challenges so they are more able to stay in their home countries.

In contrast, other announcements have been unrealistic or poorly planned. For example, in April 2023, the administration announced a trilateral agreement with Panama and Colombia to [close the Darien Gap to unauthorized migration in 60 days](#)—a farfetched goal that does little to change the conditions that prompt families to undertake this treacherous journey. In fact, migration through the [Darien Gap increased](#) in the months following the announcement, resulting in a record high year. At the same time, the administration vowed to open more legal pathways to the United States through the expansion of Safe Mobility Offices in Colombia to assist Cubans, Haitian, and Venezuelans in applying for humanitarian protection or other legal pathways. These are similar to the offices opened in Costa Rica and Guatemala. Although well-intentioned, these offices have yielded limited success since few legal avenues beyond refugee resettlement are available under current law and the administration has been hesitant to pursue more far-reaching interpretations of the law to expand existing avenues.



2024 PRIORITIES

›› AGGRESSIVELY EXPAND LEGAL PATHWAYS TO U.S. ENTRY.

Building on the significant humanitarian parole and family reunification programs announced in 2023, and the work to expand the CAM program and refugee resettlement from the region, the Biden-Harris administration must work to preserve and fully implement these vital measures. At the same time, the administration must continue to broaden its reliance on administrative options to increase the numbers of persons who can qualify for legal pathways to U.S. entry. For example, the administration should adopt more generous interpretations of current laws and policies to expand the use of temporary worker programs, based on fair labor standards and proper oversight. Additionally, it must continue to explore other family reunification and humanitarian parole initiatives to account for changing migratory flows.

›› PURSUE A MORE HOLISTIC APPROACH TO THE REGION BASED ON THE GOALS OF THE L.S. DECLARATION.

The Biden-Harris administration must strengthen its partnership with other governments (at national and local levels), international organizations (including multilateral development banks), and civil society to expand the ability of regional host countries to better receive, stabilize, and integrate migrants and refugees. Millions of displaced persons are living in other countries in the region, including most of the [7 million Venezuelans now living in Colombia, Peru, Ecuador, and Chile](#). Although smaller in scale, [increasing numbers of Nicaraguans](#) continue to seek protection in Costa Rica, and Haitians continue to seek refuge in countries throughout the region. As the richest country in the region, the U.S. must do more to set a strong example by upholding asylum at its own borders and to robustly assist host countries to create and expand pathways, including labor pathways, regularization programs, and integration mechanisms. Expanding host countries' protection regimes means these populations may continue to safely remain there rather than undertake dangerous journeys.

For years, Mexico has served as the primary transit country for large numbers of asylum seekers and migrants enroute to the United States, but it is also becoming a country of destination for hundreds of thousands of migrants and refugees; this must be supported. U.S. immigration policies have exacerbated conditions endured by migrants and refugees, making bad conditions more chaotic and dangerous.

This trend started during the Trump administration, but [continues today, most recently with the new asylum transit rule](#). In addition to repealing this rule, the administration must do more to help Mexico expand its asylum system and shelter and integration capacity, with increased funding, training, and other support for COMAR (Mexican Commission for Refugee Assistance) as well as UNHCR in Mexico (ACNUR), and expand the number of safe shelters throughout the country. Through bilateral and multilateral engagements, the administration should do more to encourage Mexico to expand opportunities and protections for Central Americans and migrants from other countries by creating new permanent pathways and using [temporary worker programs](#). Finally, the administration must aggressively expand its toolbox to support cities and countries in the region hosting large numbers of migrants, particularly those at risk of migrating again. Following recent announcements with the IDB, and in partnership with other multilateral development banks and key donors, the administration should prioritize the creation and expansion of Funds for Latin America that help stabilize migrants and host communities at scale under the L.A. Declaration framework.

» » **INCORPORATE THE ROLE OF CLIMATE CHANGE INTO THE ADMINISTRATION'S REGIONAL MIGRATION STRATEGIES.**

Weeks after taking office, the Biden-Harris administration [signed an executive order](#) directing the National Security Advisor to prepare a report on climate change and its impact on migration. The much-heralded report, [published](#) in October 2021, recommended, among other things, establishing a standing interagency policy process on climate change and migration, “to coordinate U.S. government efforts to mitigate and respond to migration resulting from the impacts of climate change that brings together representatives across the scientific, development, humanitarian, democracy and human rights, and peace and security elements of the U.S. Government.” Such a process has yet to be established, despite [calls from Congress](#) to do so, and efforts remain stalled. [USAID's April 2023 announcement](#) to provide \$1 million to Latin America and the Caribbean is a very modest initiative focused on building urban resilience to the impacts of climate change. Much more needs to be done, not just for urban, but also [rural communities](#) where climate change is devastating crops and thereby increasing hunger and poverty. In 2024, the administration must follow its own recommendations and work to ensure the safety of climate-displaced people and increase programs to provide widespread support for those affected by climate disasters.



CONCLUSION

BUILDING ON THEIR WORK begun in 2021, during 2023, the Biden-Harris administration continued to make noteworthy progress in undoing many of the egregious policies put in place by the previous administration. Hundreds of families separated under the cruel “zero tolerance” policy were reunited. Additional measures protecting immigrant families were implemented, like the restoration of prosecutorial discretion, expansion of TPS, ongoing defense of DACA, and continued rebuilding of our immigration system. In an effort to further expand safe and orderly pathways for regional migration, the administration announced a significant expansion of its parole authority to nationals of Cuba, Haiti, and Nicaragua; additional family reunification programs; and continued improvements to CAM. They also recommitted to admitting 125,000 refugees for the new fiscal year, an aspirational yet important goal as the world experiences record numbers of forcibly displaced persons.

Yet, there were areas where progress was slow, including efforts to combat discrimination, racism, and anti-Blackness in the immigration system. And most disappointingly, there were areas where the administration not just failed to act but regressed, reinstating Trump-like policies. The most glaring and troubling such policy is the asylum transit ban, which, like other aspects of the “Circumventing Lawful Pathways” rule, flies in the face of our legal and moral obligations to protect asylum seekers.



In the last year of its first term, the administration must decide whether it will live up to the President’s noble campaign promises or fall back and resort to short-sighted or even cruel policies that harm the most vulnerable. History has shown that enforcement measures will not deter people desperately escaping intolerable conditions in their home countries. Punitive measures, like Title 42, MPP, transit bars, and more border walls have not, and will not, work. Instead, the Biden-Harris administration must promote sound, fair, and humane solutions that preserve, improve and expand protection and opportunity. Such policy measures can stand on their own. This administration still has time to offer smarter, more effective and humane responses, better designed to address the challenges we continue to face.