

Upcoming Meetings & Events

USCRI QUARTERLY POLICY BRIEFING – OCT 15

On Thursday, October 15 at 12PM EDT, USCRI will host its first quarterly policy briefing. The topic of the briefing will be the global refugee situation, including the effects of COVID-19. For more information and to register, click [here](#).

ONCE UPON AN AMERICAN DREAM: INTEGRATION – OCT 14

On Wednesday, October 14 at 4 PM EDT, the Heurich House Museum and the Bipartisan Policy Center will present the third segment of “Once Upon an American Dream,” a three-part panel series exploring the stages of the immigrant experience in America: migration, arrival, and integration. The final event’s discussion will focus on how immigrants of the past and present integrate into our communities and the challenges they faced and continue to face. For more information and to register, click [here](#).

IMMIGRATION, HUMAN RIGHTS, AND GLOBAL ECONOMIC RENEWAL – OCT 16

On Friday, October 16, at 10AM EDT, the Georgetown University Kalmanovitz Initiative for Labor and the Working Poor will host a virtual discussion on how countries can balance a generous policy towards refugees and immigrants with domestic concerns surrounding wages and employment. Panelists include Muzaffar Chisti of the Migration Policy Institute and Felix Braunsdorf of the Friedrich Ebert Stiftung. For more information and to register, click [here](#).



this issue

Learning from COVID-19: An Early Analysis of “Pain Points” in Congregate Care for Unaccompanied Children in Pandemic **P.1**

U.S. Issue Updates **P.2**

Around the World in International Migration **P.3**

Whispers from Washington **P.4**

Global Gigabyte **P.4**

Learning from COVID-19: An Early Analysis of “Pain Points” in Congregate Care for Unaccompanied Children in Pandemic

By Mario Bruzzone

Readers will be well aware that the COVID-19 pandemic is ongoing. While many scientific questions about COVID-19 remain, scientists and public-health officials are reasonably certain about a number of aspects of the virus. Transmission is primarily airborne. Individuals have several days between contracting the virus and becoming symptomatic. A large proportion of people afflicted with COVID-19 will remain asymptomatic. Asymptomatic individuals can transmit the virus. And so on. With this knowledge, individuals have largely learned to live with COVID-19—working from home, social distancing, and wearing masks while in the proximity of others. So too have organizations.

COVID-19 presented challenges to congregate-care facilities, famously at nursing homes but also for facilities that care for unaccompanied children (UCs). The Office of

Refugee Resettlement (ORR) operates a network of grantee facilities that provide care for UCs in the United States. UC care providers were put under tremendous strain by COVID-19, especially in the early period when knowledge was much less certain than it is now. Today, UC care providers have established policies and procedures for keeping UCs in their care safe, controlling subsequent infection when a child is diagnosed positive, and preventing onward spread of disease. USCRI regularly talks with several care providers and organizes an affinity group that meets quarterly, and this brief is based on those ongoing conversations.

Learning from COVID-19 is crucial, both to being prepared for the next outbreak and as a stress event that shows problems that persist even apart from crisis situations. This brief identifies five “pain points” around the response to COVID-19 for the care of unaccompanied children.

FEDERAL REGISTER COMMENTS: PROPOSED RULE; PROCEDURES FOR ASYLUM AND WITHHOLDING OF REMOVAL – DUE OCT 23

The Department of Justice has proposed a rule that would severely impact the ability to seek asylum, including harsh consequences for filing an incomplete application, changes establishing a 15-day filing deadline for aliens applying for asylum in asylum-and-withholding-only proceedings, and changes related to the 180-day asylum adjudication clock. Comments are due on October 23 to the Federal Register. To read the rule and submit comments, click [here](#).

United States Issue Updates

• Administration Proposes Lowest Refugee Ceiling in History for FY 2021

On September 30, at a quarter to midnight, the Administration [submitted](#) the President's Report to Congress on the Proposed Refugee Admissions for Fiscal Year (FY) 2021. While not a final determination, the Administration proposed setting the refugee admissions ceiling at 15,000, a historical low. FY 2020's ceiling was set at 18,000, and due to COVID-19, far fewer than this figure were resettled. Further, the Report stipulates retaining the special categories of refugees, including Iraq, El Salvador, Guatemala, Honduras, Hong Kong, and Venezuela. The next step should be a consultation with Congress, followed by the determination being finalized.

• Court Temporarily and Partially Blocks Work Visa Ban

On October 1, U.S. District Court for the Northern District of California Judge Jeffrey White [issued](#) a preliminary injunction, temporarily and partially blocking the ban that barred companies and other organizations from bringing in foreign workers into the country under various visas, such as the H-1B. The ban is only suspended for the plaintiffs, rather than for all companies nationally. These plaintiffs are the National Association of Manufacturers, the U.S. Chamber of Commerce, the National Retail Federation, Intrax, and Technet, which represents Google, Amazon, Apple, Microsoft, and others. Judge White found that the Administration had exceeded its scope of authority, writing that, "Congress' delegation of authority in the immigration context under Section 1182(f) does not afford the President unbridled authority to set domestic policy regarding employment of nonimmigrant foreigners."

• Ninth Circuit Extends Stay in *Flores* to October 5

On September 30, a three-judge panel on the Ninth Circuit Court of Appeals extended its temporary suspension of the lower court order's order in *Flores* that requires the Administration to stop holding migrant children in hotels before expelling them from the US-Mexico border until October 5. However, the panel [noted](#) that the government has so far failed to present reliable data showing its licensed facilities are too crowded and unsafe to hold children. Judge Marsha Berzon questioned the government's rationale generally, asking, "Why does the CDC order apply here at all? What's in this order that's even implicated?" The government's attorney argued that, "It's a means by which we exercise custody. In operationalizing the order, it's very challenging. It's hard to expel as fast as we like."

Around the World in International Migration (cont'd)

United States Issue Updates (cont'd)

• **OIG Report Finds that CBP Misappropriated Humanitarian Funding for Office Supplies Instead**

On September 28, the Office of the Inspector General (OIG) of the Department of Homeland Security (DHS) issued a [report](#) finding that Customs and Border Protection (CBP) misappropriated humanitarian funding earmarked by Congress to supply food and diapers for detained migrants on office supplies instead in 2019, including toner cartridges, fingerprint pads, and restraints, “which were not necessities.” In addition, the report found that CBP did not adequately oversee its medical contract through onsite monitoring of medical professionals or inventory supply.

• **FOIA Request Reveals Jump in Number of Denaturalization Cases**

On September 30, a Freedom of Information Act (FOIA) [request](#) revealed that the number of denaturalization cases filed by the Department of Justice (DOJ) rose exponentially after 2016. Between 2003 and 2016, an average of 11 cases were filed each year. In 2016, this number was 15, but by the following year, this number had doubled to 30. In 2018, 39 cases were filed, the second highest figure since 1990. In February 2020, DOJ announced the creation of a section dedicated to denaturalization cases in order to “underscore the Department’s commitment to bring justice to terrorists, war criminals, sex offenders, and other fraudsters who illegally obtained naturalization.”

Around the World in International Migration

• **Mexican Legislature Unanimously Passes Bill Banning Immigration Detention for Children**

On September 29, the Chamber of Deputies of Mexico unanimously approved reforms to various articles of the Migration Law and the Refugee Law regarding migrant children’s detention. Although it was otherwise unlawful to detain children in the Mexico, inconsistencies in the law allowed the government to send more than 180,000 migrant children to detention centers between 2015 and June 2020. With 398 votes in favor and zero against, migrant children and adolescents will be channeled to the corresponding National System for Integral Family Development (DIF). The DIF will be empowered to restore their rights, guaranteeing the principle of family unity, and the prohibition of infants being placed in the centers of the National Migration Institute (NMI).

• **European Union Launches Lawsuit Against United Kingdom Over Border Concerns**

On October 1, the European Commission sent a letter of formal [notice](#) to the United Kingdom (EU) of its intentions to start legal proceedings against it for violating Brexit terms regarding the border with Ireland, the country’s only land border with the European Union (EU). Under the Brexit withdrawal agreement, the land border between the Republic of Ireland and Northern Ireland was to remain fluid, as it was under the Good Friday Agreement of 1998, which effectively ended the tumultuous period of Irish history known as “The Troubles.” However, in violation of both the Brexit agreement and the Good Friday Agreement, the House of Commons passed a law called the Internal Market Bill this week, which would allow the UK to unilaterally decide the rules of the border with Ireland. The bill is now under consideration by the House of Lords. Experts fear that the reintroduction of a hard border with Ireland could result in a reignition of violence in Northern Ireland. The letter issued by the European Commission gives the UK a month to fix the issues in the bill that violate the agreements. If satisfactory changes are not made, the EU can take the case to the European Court of Justice in Luxembourg, a lengthy ordeal that could lead to significant fines.

• Azerbaijan – Armenia Conflict Sparked Again

On September 27, a 1994 cease-fire agreement between Azerbaijan and Armenia broke down in violence over the disputed territory of Nagorno-Karabakh, which is internationally recognized as being part of Azerbaijan. Nagorno-Karabakh is a majority Armenian region that was the site of a war in the early 1990s that killed 30,000 and displaced more than one million people. A 1994 internationally negotiated cease-fire agreement froze the conflict but failed to bring a lasting peace. Over the years, both sides have breached the cease-fire with minor skirmishes. The latest fighting broke out after Armenia and the authorities in Nagorno-Karabakh said Azerbaijan launched a major attack on the area. The latest escalation has resulted in further displacement, with many seeking safety in other parts of Azerbaijan or across the border in Armenia.

Whispers from Washington

Current Capitol Hill Considerations

Supreme Court Grants Certiorari to Case Considering Credibility of Asylum Seekers

On October 2, the Supreme Court granted certiorari (review) of the case of *William P. Barr, Attorney General v. Ming Dai*. The case centers on the REAL ID Act, which says testimony alone can qualify someone for asylum if it is “credible” and “persuasive.” The question for the court is whether an immigration judge must make a specific finding that a person is not credible in order to deny asylum.

Specifically, the issues are (1) whether a court of appeals may conclusively presume that an asylum applicant’s testimony is credible and true whenever an immigration judge or the Board of Immigration Appeals (BIA) adjudicates an application without making an explicit adverse credibility determination; and (2) whether the court of appeals violated the remand rule as set forth in *INS v. Ventura* when it determined in the first instance that the respondent, Ming Dai, was eligible for asylum and entitled to withholding of removal.

Global Gigabyte

This year’s laureate of the Nansen Refugee Award is Mayerlín Vergara Pérez of Colombia.

The Nansen Refugee Award is a humanitarian prize given annually by the United Nations High Commissioner for Refugees (UNHCR). The award honors outstanding service to people who have been forcibly displaced.

Pérez is an educator who has spent more than 20 years rescuing sexually exploited and trafficked children, many of them refugees. On foot, she combs the streets of remote communities in north-east Colombia where human traffickers and smugglers operate. Her work has resulted in two laws protecting children in Colombia: one establishing a mandatory minimum sentence of at least 14 years in prison for those convicted of aiding and abetting the sexual exploitation of children and the other targeting the owners of establishments that allow the sexual exploitation of children on their premises.

To read more about Pérez’s work, click [here](#).

If you have any questions
or comments, please
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