

Upcoming Meetings & Events

USCRI'S SECOND QUARTERLY POLICY BRIEFING: CURRENT MIGRATION FLOWS IN THE SUDANS – FEB. 18

On Thursday, February 18 at 11:00 AM EST, join USCRI for our second quarterly briefing on migration flows in the Sudans. The briefing will feature top experts in the field who will discuss the most pressing issues facing the region, including the influx of Ethiopian refugees into eastern Sudan, mounting violence in Darfur, and the UN's decision to withdraw aid for displaced persons in South Sudan. Registration link coming soon.

TRAUMA-INFORMED SERVICES FOR UNACCOMPANIED MIGRANT CHILDREN – FEB 10

On Wednesday, February 10, the Family Focused Treatment Association will hold a webinar titled "With Open Arms: Exploring Trauma-Informed Services for Unaccompanied Migrant Children." For more information and to register, click [here](#).



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New Administration Actions

This week, USCRI's Policy and Advocacy Report summarizes some of the important immigration-related executive actions taken by the new Biden Administration and of interest to our readers.

Executive Order on Rebuilding and Enhancing Programs to Resettle Refugees and Planning for the Impact of Climate Change on Migration

The Biden Administration issued an [Executive Order on Rebuilding and Enhancing Programs to Resettle Refugees and Planning for the Impact of Climate Change on Migration](#) on February 4. The following summarizes the Executive Order:

Revoking Previous Orders

- Revokes Executive Order 13815, which created procedures for "enhanced vetting" of refugees
- Revokes Executive Order 13888, which gave states and localities the option to opt out of resettling refugees
- Revokes Presidential Memorandum of March 6, 2017, which created more restrictive vetting procedures and required strict enforcement of inadmissibility grounds for refugees
- Requires a report from the Secretary of State (DOS) and Secretary of Homeland Security (DHS) within 90 days to identify all policies and guidance published in conjunction with the revoked Executive Orders and Memorandum, plus recommendations on what to do with the policies

New Administrative Actions (cont'd)

Iraqi and Afghan SIV Programs

- Calls for a review of the Iraqi and Afghan SIV programs to make sure they are being properly administered. The review shall include whether the program should be expanded to other populations who are at risk due to their religion and service to the US government (USG), or to people of any origin who serve the USG for at least one year

U.S. Refugee Admissions Program (USRAP)

- A National Security Council Senior Director shall be appointed to coordinate all agencies involved in USRAP
- DHS shall review the vetting and adjudication of USRAP applicants
- An Office of Management and Budget team shall be assigned to streamline technology processes for streamlining USRAP applications
- Within 30 days, DOS and DHS shall provide a report on fraud detection measures for USRAP and ways to improve them
- DHS shall consider taking actions to increase USRAP capacity, such as more efficient biometric data collection and video interviews
- The Office of Personnel Management shall support the use of all necessary hiring authorities for USRAP positions
- Within 30 days, all agencies that perform refugee vetting shall produce data on the number of staff doing the vetting, and how often they return an objection. A review of this data shall be taken to determine if staffing levels need to be changed
- Within 60 days, Security Advisory Opinion process agencies shall convene to determine whether to adjust the countries and criteria requiring Security Advisory Opinions for refugees
- DHS shall consider whether to institute other policies to ensure the quality, integrity, fairness, and efficiency of the USRAP, including those that:
 - Develop mechanisms to synthesize reliable country conditions data
 - Give refugees timely access to their application records
 - Permit refugees to have a representative at their interviews at no cost to the USG
 - Ensure that when refugees are denied for non-security or fraud reasons, they are given an explanation for the denial
- Within 180 of taking any of these actions, DOS and DHS shall provide the President with a report describing the action taken

New Administrative Actions (continued)

- DHS shall ensure adjudicators are trained in the standards to deal with vulnerable populations
- DHS and DOS shall consider taking actions to recognize life partners who are unable to marry as spouses for the purposes of the USRAP
- Within 120 days, DOS and Department of Health and Human Services (HHS) shall create a plan to enhance USRAP capacity through expansion of community sponsorship models for resettlement agencies, and through more public-private partnerships
- DOS and DHS shall consider ways to expand referrals from international NGOs to the USRAP for particularly vulnerable individuals
- Within 180 days, DOS and DHS shall ensure that their current policies and procedures related to USRAP are publicly available on their websites. They shall also develop mechanisms to give applicants expedited access to relevant material in their case files

USRAP Processing Backlogs

- DOS, the Attorney General (AG), and DHS shall develop a plan to address USRAP processing backlogs.
 - In doing so, they shall conduct a review to:
 - Examine whether existing vetting policies can be improved to increase efficiency
 - Seek to bring average processing times within the statutorily allotted time frame
 - Within 120 days, a report shall be submitted to the President recommending processing improvements

Climate-Related Displacement

- Within 180 days, DOS, DHS, Secretary of Defense (DOD), USAID, and the Director of National Intelligence shall submit to the President a report on climate change and its impact on migration, including:
 - International security implications of climate migration
 - Options for resettling individuals displaced by climate change
 - Mechanisms for identifying affected individuals
 - Proposals for mitigating the negative effects of climate change
 - Opportunities to collaborate with other countries and organizations

Executive Order on Restoring Faith in our Legal Immigration Systems and Strengthening Integration and Inclusion Efforts for New Americans

The Biden Administration issued an [Executive Order on Restoring Faith in our Legal Immigration Systems and Strengthening Integration and Inclusion Efforts for New Americans](#) on February 2. The following summarizes the Executive Order:

Domestic Policy Council

- The Domestic Policy Council (DPC) shall convene a Task Force on New Americans to coordinate USG efforts to welcome and support immigrants, including state and local inclusion efforts

New Administrative Actions (continued)

Restoring Trust in the Legal Immigration System

- The Secretary of State (DOS), Attorney General (AG), and Secretary of Homeland Security (DHS) shall review existing policies and guidance that are inconsistent with promoting the integration and inclusion of immigrants. The review shall:
 - Identify barriers to accessing immigration benefits and fair adjudications of benefits, and recommend how to remove these barriers
 - Identify agency actions that fail to promote access to the legal immigration system (including the rule “U.S. Citizenship and Immigration Services Fee Schedule and Changes to Certain Other Immigration Benefit Request Requirements”) and recommend ways to revise or rescind those actions
- Within 90 days, DOS, the AG, and DHS shall each submit plans to the President describing the steps their agencies will take to promote inclusion and integration of immigrants
- Within 180 days of submitting these plans, each agency shall submit a report to the President describing the progress made on the plans and any barriers to implementation

Review of Actions on Public Charge Inadmissibility

- DOS, the AG, and DHS shall review all agency actions related to the public charge rules for inadmissibility and deportability. In considering implications of these policies, they shall consult the heads of relevant agencies, including the Departments of Agriculture, Health and Human Services, and Housing and Urban Development. The review shall:
 - Evaluate current effects of agency actions and implications for continued implementation
 - Identify agency actions to address concerns about the effects of the public charge policies on the integrity of the immigration system and public health
 - Recommend steps for agencies to clearly communicate public charge policies and proposed changes and to reduce fear and confusion among impacted communities
- Within 60 days, DOS, the AG, and DHS shall submit reports to the President describing the agency actions they have identified, and the steps that have been or will be taken to clearly communicate the rules and proposed changes

Promoting Naturalization

- Within 60 days, DOS, the AG, and DHS shall develop a plan describing actions they will take to:
 - Eliminate barriers to and improve the naturalization process, including a comprehensive review of the process with emphasis on the N-400 application, fingerprinting, background and security checks, interviews, civics and English language tests, and the oath of allegiance
 - Substantially reduce processing times
 - Make the naturalization process more accessible, including by reducing the naturalization fee and restoring the fee waiver process
 - Facilitating, in consultation with the Department of Defense, the naturalization process for those born abroad and members of the military
 - Reviewing denaturalization and passport revocation policies and practices to ensure they are not used excessively or inappropriately
- Within 180 days of issuance of the plan, DOS, the AG, and DHS shall each submit reports to the President describing their progress in implementing the plan, barriers to implementation, and areas of concern that must be addressed to allow eligible individuals to apply for citizenship in a fair and efficient manner

New Administrative Actions (continued)

- An Interagency Working Group on Promoting Naturalization is established to develop a national strategy to promote naturalization. The Working Group shall be chaired by the Secretary of DHS or the Secretary's designee, and shall include the heads of the Departments of Labor, Health and Human Services, Housing and Urban Development, Education, Homeland Security, Social Security, and other agencies invited to participate
- Within 90 days, the Working Group shall submit a strategy to the President outlining steps the USG should take to promote naturalization, including a potential public awareness campaign

Revoking Previous Memorandum

- The Presidential Memorandum of May 23, 2019, which heightened accountability for sponsors of immigrants and tightened restrictions to prevent certain immigrants from receiving federal benefits, is revoked
- The heads of relevant agencies shall review investigations and compliance actions initiated under the Memorandum and determine whether to suspend any actions inconsistent with the inclusion and integration of immigrants. When appropriate, these agencies shall issue revised guidance consistent with the inclusion and integration of immigrants

Executive Order on the Establishment of Interagency Task Force on the Reunification of Families

The Biden Administration issued an [Executive Order on the Establishment of Interagency Task Force on the Reunification of Families](#) on February 2. The following summarizes the Executive Order:

The Interagency Task Force on the Reunification of Families

- Establishes the above Task Force to be chaired by the Secretary of Homeland Security and including the Secretary of State, Secretary of Health and Human Services, Attorney General, and other government officials that they designate to participate
- Convenes the Task Force in order to:
 - Identify all children separated from their families at any time during the Trump Administration as part of so-called "zero tolerance" policies
 - Facilitate the reunification of all such children with their families, by whatever administrative tools are available, including parole
 - ensure that the children and families receive appropriate trauma and mental-health services
 - make recommendations regarding the reunification of additional family members, such as siblings
 - make recommendations to the President regarding Executive powers that should be used to reunite children and their families
- Requires that the Task Force submit an initial report 120 days from the date of the Executive Order, and every 60 days thereafter, until it publishes a Final Report
- Funding for the Task Force will come from the DHS budget
- Revokes Executive Order 13841 ("Affording Congress an Opportunity To Address Family Separation"), June 20, 2018

New Administrative Actions (continued)

Executive Order on Creating a Comprehensive Regional Framework to Address the Causes of Migration, to Manage Migration Throughout North and Central America, and to Provide Safe and Orderly Processing of Asylum Seekers at the United States Border

The Biden Administration issued an [Executive Order on Creating a Comprehensive Regional Framework to Address the Causes of Migration, to Manage Migration Throughout North and Central America, and to Provide Safe and Orderly Processing of Asylum Seekers at the United States Border](#) on February 2. The following summarizes the Executive Order:

Strategies to Address the Root Causes of Migration

- Directs the Assistant to the President for National Security Affairs (APNSA)
 - to prepare the United States Strategy for Addressing the Root Causes of Migration, in coordination with the Secretary of State, the Attorney General, and the Secretary of Homeland Security:
 - to address efforts in El Salvador, Guatemala, and Honduras that
 - combat corruption, strengthen democratic governance, and advance the rule of law
 - promote respect for human rights, labor rights, and freedom of the press
 - prevent criminal activity from gangs, trafficking networks, and transnational criminal organizations
 - combat sexual, gender-based, and domestic violence
 - address economic insecurity and inequality
 - consult and collaborate with the Office of the United States Trade Representative, the Secretary of Commerce, and the Secretary of Labor to evaluate compliance with the Dominican Republic-Central America Free Trade Agreement with a focus on unfair labor practices
 - encourage the Guatemalan, Honduran, and Salvadoran governments to replicate success in sustainable development from comparable countries in the region
 - to prepare the United States Strategy for Collaboratively Managing Migration in the Region, in coordination with the Secretary of State, the Attorney General, and the Secretary of Homeland Security, to identify:
 - actions to strengthen regional cooperation around humanitarian protection, with priority on expanding pathways to protection as well as labor and non-protection-related programs
 - how to develop asylum pathways in the region
 - how to develop internal relocation and integration programs
 - how to develop return and reintegration programs
 - humanitarian assistance including the expansion of shelter networks in the region

Expansion of legal pathways to protection

- Directs the Secretary of State and the Secretary of Homeland Security to review mechanisms for identifying and processing individuals eligible for refugee resettlement in the United States, including all forms of complementary protection that might be available, for submission in a report to the President
- Directs the Secretary of Homeland Security to:
 - consider reversing all agency decisions that led to the termination of the Central American Minors Program and to reinstate or improve on prior measures

New Administrative Actions (continued)

- consider promoting family unity through discretionary parole authority for certain individuals from the above countries on a case-by-case basis
- Directs the Secretary of State and the Secretary of Homeland Security to promptly evaluate and implement measures that enhance access to visa programs for individuals of the above countries
- Directs the Secretary of Homeland Security and the Director of the Centers for Disease Control and Prevention (CDC) to begin planning for the safe and orderly processing of asylum claims consistent with public-health and safety concerns
- Directs the Secretary of Homeland Security, in consultation with the Attorney General, the Secretary of Health and Human Services (HHS), and the Director of CDC, to initiate steps towards the safe and orderly reception and processing of arriving asylum seekers, consistent with public health and safety, including:
 - that the Secretary of HHS and the Director of CDC review and determine whether to terminate, rescind or modify:
 - “Order Suspending the Right To Introduce Certain Persons From Countries Where a Quarantinable Communicable Disease Exists,” 85 Fed. Reg. 65,806 (October 13, 2020)
 - “Control of Communicable Diseases; Foreign Quarantine: Suspension of the Right to Introduce and Prohibition of Introduction of Persons into United States from Designated Foreign Countries or Places for Public Health Purposes,” 85 Fed. Reg. 56,424 (September 11, 2020)
 - that the Secretary of Homeland Security shall promptly review and determine whether to terminate or modify the so-called Migrant Protection Protocols (MPP), including:
 - “Policy Guidance for Implementation of the Migrant Protection Protocols” DHS Memo, January 25, 2019
 - that the Attorney General and the Secretary of Homeland Security promptly review and determine whether to rescind the interim final rules and any derivative memos or guidance:
 - “Aliens Subject to a Bar on Entry Under Certain Presidential Proclamations; Procedures for Protection Claims,” 83 Fed. Reg. 55,934 (November 9, 2018)
 - Asylum Eligibility and Procedural Modifications,” 85 Fed. Reg. 82,260 (December 17, 2020)
 - that the Attorney General and the Secretary of Homeland Security promptly review and determine whether to rescind the interim final rule titled “Implementing Bilateral and Multilateral Asylum Cooperative Agreements Under the Immigration and Nationality Act,” 84 Fed. Reg. 63,994 (November 19, 2019) and any derivative memos or guidance
- Directs the Secretary of State to consider whether to modify, suspend or terminate the “Asylum Cooperative Agreements” with Guatemala, El Salvador, and Honduras
- Directs the Secretary of Homeland Security to end the “Prompt Asylum Case Review” (PACR) program and the “Humanitarian Asylum Review Program” (HARP)

Revocations

- Executive Order 13767 of January 25, 2017 (Border Security and Immigration Enforcement Improvements)
- Proclamation 9880 of May 8, 2019 (Addressing Mass Migration Through the Southern Border of the United States)
 - Presidential Memorandum of April 29, 2019 (Additional Measures to Enhance Border Security and Restore Integrity to Our Immigration System)

- Presidential Memorandum of April 6, 2018 (Ending “Catch and Release” at the Border of the United States and Directing Other Enhancements to Immigration Enforcement).
- Presidential Memorandum of April 4, 2018 (Securing the Southern Border of the United States)

Reviews

- Directs the Secretary of Homeland Security to begin a review of the expedited removal process, and submit a report within 120 days for how best to create a more efficient and orderly process
- Directs the Secretary of Homeland Security to review and consider whether to modify, revoke, or rescind the designation titled “Designating Aliens for Expedited Removal,” 84 Fed. Reg. 35,409 (July 23, 2019)
- Directs the Attorney General and Secretary of Homeland Security to:
 - conduct a comprehensive examination of current rules, regulations, precedential decisions, and internal guidelines on the adjudication of asylum claims and determinations of refugee status for adherence to international standards within 180 days
 - promulgate a definition of “particular social group” adhering to international standards within 270 days

Administration Delays Wage-Based H-1B System, Will Keep Lottery in 2021

On Thursday, February 4, the Department of Homeland Security (DHS) issued an announcement that it was delaying implementation of a Final Rule that modifies the H-1B Cap selection process. The Final Rule, titled “Modification of Registration Requirement for Petitioners Seeking to File Cap-Subject H-1B Petitions,” was issued on January 7 and would have been implemented on March 9. The Rule’s new effective date is December 31. DHS cited a need for “more time to develop, test, and implement the modifications to the H-1B registration system and selection process” in its [news release](#).

Second Circuit Stays Ruling on Title 42 for Unaccompanied Children, Allows Expulsions

On Friday, January 29, in an unusually thin ruling, the U.S. District Court for the District of Columbia stayed a lower court order that forbade the expulsion of unaccompanied children from the United States for public-health reasons. The Court wrote that “Appellants [i.e., the U.S. government] have satisfied the stringent requirements for a stay pending appeal,” but did not expand on what those requirements are or in what ways the government satisfied the requirements. The case was argued prior to the Biden Administration taking office. The Biden Administration publicly responded by saying that it would continue to process unaccompanied children and would not expel them. Read the order [here](#).

Around the World in International Migration

• Human Rights Organizations Call on Italy to End Agreement with Libya to Push Back Migrants

Last week, NGOs and human rights organizations, including Doctors Without Borders and Oxfam, [called on the Italian parliament](#) to revoke an agreement it made with Libya four years ago to manage migrant flows. The organizations assert that while Italy has spent €785 million (about \$950 million USD) to block migrants, this money should have been spent on “constructing medium and long-term solutions to provide safe ways for migrants to reach Europe and migrate legally.” They claim the agreement has led to greater destabilization in Libya and has encouraged human trafficking. More than 50,000 migrants have been pushed back to Libya in the last four years. Human rights organizations are pressing Italy to end the agreement with Libya until a stable government is established, stop military missions into the country, and call for the closure of Libya’s migrant detention centers.

• Central African Republic Violence Displaces Over 200,000

According to the UN, heated elections in the Central African Republic (CAR) have led to nationwide violence and forced over 200,000 people from their homes in less than two months. Most of the refugees have fled to the Democratic Republic of the Congo, while an additional 13,000 have crossed into Cameroon, Chad, and the Congo. Many of the refugees have fled to remote areas, making it difficult for them to access humanitarian assistance. The majority lack proper shelter and food, requiring them to fight for already-limited resources in their host communities. CAR is also home to over 100,000 internally displaced persons (IDPs) who are struggling to obtain basic necessities due to the political unrest and shutdown of major roads. IDPs in CAR are at risk of extortion and recruitment by armed groups.

• Panama-Colombia Border Closure Traps Migrants in Colombia in Makeshift Camps

As the border between Panama and Colombia remains closed, over 600 migrants are trapped in the port town of Necoclí, Colombia, waiting to continue their journeys to the United States. The town is a gateway to the Urabá Gulf, which migrants have been using to cross into Panama. However, due to the Covid-19 pandemic, the Colombian government has extended the land and sea border closures for an additional three months. While most of the trapped migrants are Haitian citizens, others come from Cuba, Burkina Faso, Senegal, Congo, Guinea, Somalia, and Yemen. As the migrants wait for the border to reopen, they are living in makeshift camps in Necoclí. Despite the government's claim that it is providing health checks and basic humanitarian aid, migrants assert they have received nothing and are in dire need.

• Tunisia Launches Anti-Trafficking Project to Inform Migrants of their Rights

Last week, a Tunisian anti-trafficking initiative launched a project to combat human trafficking by handing out cards informing victims of their rights under Tunisian law. The initiative was started in conjunction with the Council of Europe in response to an increase in migrants crossing through Tunisia to the Mediterranean and into Europe. The flow of migrants has steadily increased since 2016, with Tunisians now comprising the largest number of "irregular arrivals" to Italy. The uptick in migration from and through Tunisia is attributed both to lack of economic opportunity in Tunisia and to migrants fleeing violence in Libya and Algeria. An expert with the Global Initiative's North Africa and Sahel Observatory believes that the solution is to focus not only on human trafficking and smuggling, but also on "deep drivers of migration."

Whispers from Washington

Current Capitol Hill Considerations

Garland and Becerra set for tough hearings

Following straightforward confirmation hearings for Antony Blinken, the Secretary of State, and Alejandro Mayorkas, Secretary of the Department of Homeland Security, some insiders are expecting closer votes for the next round of Cabinet nominations. Both Merrick Garland, the nominee to serve as Attorney General, and Xavier Becerra, the Secretary-designee for Health and Human Services, are expected to be targets of Republican opposition. Garland was President Obama's pick for the Supreme Court in 2016 who was denied a confirmation hearing by the Senate. Becerra is the current Attorney General of California and was a Congressman from 1993 –2017.

Cabinet hearings usually begin in the interim period between the new session of Congress--which starts in early January--and the Inauguration Day on January 20. This year, Congressional business has been delayed by the Capitol insurrection and the Georgia Senate election. Confirmations were further delayed by the lack of an organizing resolution, which was necessary after the Democrats won both Georgia seats. Republicans have not revealed why they oppose the two nominees nor whether they expect to gain the votes needed to reject either or both nominees.

If you have any questions
or comments, please
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