

A FAITHFUL BUDGET FOR IMMIGRANTS, REFUGEES, ASYLUM SEEKERS, AND MIGRANTS

Introduction:

Our diverse faith traditions compel us to welcome one another with love and compassion, regardless of place of birth, religion, or race. All of us are called to love our neighbor – all of our neighbors. Generations of immigrants and refugees have made this country great with their ideas, hard work, resilience, and traditions. U.S. funding streams related to immigration policies and refugee resettlement should recognize the gifts, contributions, and struggles of asylum seekers, immigrants and refugees, ensuring justice and protection for all.

The Torah tells us: "The strangers who sojourn with you shall be to you as the natives among you, and you shall love them as yourself; for you were strangers in the land of Egypt" (Leviticus 19:33-34). In the Christian Bible, Jesus commands us to welcome the stranger, for "what you do to the least of my brethren, you do unto me" (Matthew 25:40). The Qur'an directs us to "do good to...those in need, neighbors who are near, neighbors who are strangers, the companion by your side, the wayfarer that you meet" (4:36). The Hindu Taitiriya Upanishad reminds us: "The guest is a representative of God" (1.11.2).

Our budget recommendations are rooted in these interfaith principles, which call us to ensure that our federal dollars promote and protect the dignity of each individual.

Reflecting the Need:

- Between 2010 and 2015 the number of forcibly displaced persons worldwide grew from 33 million to over 65 million.¹
- Violence in El Salvador, Honduras, and Guatemala was ranked highest in the Western Hemisphere in 2015.²
- An immigration reform package could reduce the budget deficit by \$135 billion in the first decade, and \$685 billion in the second decade.³
- 7 million people living in the U.S. as part of mixed status families, including 9.6 million adults and 5.9 million children who are U.S. citizens.⁴
- Detention and deportation break families apart, add undue harm to children, stress on sole caregivers, and perpetuate unjust immigration policies. The average wait time in immigration court is over 600 days.⁵

¹ United Nations High Commissioner for Refugees, "Figures at a Glance: Global Trends 2015," available at <http://www.unhcr.org/en-us/figures-at-a-glance.html>; United Nations High Commissioner for Refugees, "UNHCR Statistics: The World in Numbers," available at http://popstats.unhcr.org/en/overview#_ga=1.151321913.1870768267.1483821621

² <https://www.americanprogress.org/issues/immigration/news/2016/02/24/131645/they-are-refugees-an-increasing-number-of-people-are-fleeing-violence-in-the-northern-triangle/>

³ Congressional Budget Office, "The Economic Impact of S. 744, the Border Security, Economic Opportunity, and Immigration Modernization Act" (2013), available at <https://www.cbo.gov/publication/44346>.

⁴ Silva Mathema, "Keeping Families Together: Why All Americans Should Care About What Happens to Unauthorized Immigrants" (Washington: Center for American Progress, 2017), available at <https://www.americanprogress.org/issues/immigration/reports/2017/03/16/428335/keeping-families-together/>.

- Nearly \$187 billion was allocated for immigration enforcement from 1986 to 2012; the \$19 billion allocated in 2016 was more than the funding for other federal law enforcement agencies combined.⁵
- Immigration and Customs Enforcement detained an average of 40,000 people on a daily basis in October 2016, the highest number of immigrants detained in U.S. history and \$136 million over budget.
- Detention of families expanded in 2014 at great fiscal and moral cost, causing more trauma for children and women fleeing violence in their home countries.

1. Address Root Causes of Forced Displacement in Central America

Addressing forced displacement effectively and responsibly can be done only by focusing on the conditions forcing people to migrate, while at the same time ensuring the immediate protection of people who flee due to violence. As children of God, all people deserve a unified family, food on our tables, and safe homes no matter our geographical location. We know that migration is a symptom of deeper social and economic issues, including violence, insecurity, and unequal social and economic conditions. Because of this, no immigration strategy is truly comprehensive and long-term if it does not address the economic, social, and political factors which compel migration. U.S. policies and practices play a critical role around the world either by contributing to or helping address the root causes of those conditions. A faithful budget would help address the root causes of forced migration through:

A. Sustainable Community Development and Assistance

U.S. government aid should support community-driven development projects in places where economic and social factors play a major role in migration. Independent agencies such as the Inter-American Foundation in the Americas already have expertise in working with communities to create effective development projects. As such, these agencies should be fully funded to continue to promote economic and social development and micro-enterprises throughout the region. Poverty and lack of opportunity are driving forces for migration of youth in the Central American region. These factors also increase the vulnerability of young people in communities that face high levels of violence. U.S. development assistance should promote culturally appropriate alternatives for youth that provide safe, sufficient and sustainable livelihoods in their home countries.

Investment in development that defends the basic human rights of all people would provide sustainable alternatives to migration for individuals seeking better futures for their families and would reduce the need for costly border enforcement, detention, and deportation systems. Investments in economic development for vulnerable populations, in particular for women and girls, have a profound multiplier

⁵ Transactional Records Access Clearinghouse, "Immigration Court Backlog Tool: Pending Cases and Length of Wait in Immigration Courts," available at http://trac.syr.edu/phptools/immigration/court_backlog/

⁶ Doris Meissner and others, "Immigration Enforcement in the United States: The Rise of a Formidable Machinery" (Washington: Migration Policy Institute, 2013), available at <http://www.migrationpolicy.org/research/immigration-enforcement-united-states-rise-formidable-machinery>.

effect that benefits entire communities. We support robustly funding comprehensive community-based programs that are culturally relevant and pay particular attention to women's empowerment and child welfare programs.

B. Adherence to Human Rights

The U.S. should cease funding military involvement in law enforcement or other types of "security assistance" in regions with widespread violence, instability and corruption. In such regions, it is impossible to guarantee that U.S. security assistance will be used in a way that is transparent and respects human rights. It is imperative that the United States cuts off funds and training to police and armed forces implicated in human rights abuses and endemic corruption. Collusion between law enforcement and organized crime remains a problem in Mexico and the Northern Triangle of Central America. A militarized approach contributes to violence and distrust in communities and leads to egregious human rights violations. Instead, it is within our national interest to ensure that U.S. assistance money adequately addresses the root causes of migration by prioritizing poverty reduction, good governance, and strengthening the rule of law, rather than fueling violence.

Furthermore, human rights violations perpetrated by Mexican law and migration enforcement raise serious concerns about calls for additional border security at Mexico's southern border and in Mexico's interior. All interdicted migrants must be adequately screened by an appropriately trained individual for protection concerns, including persecution, torture, and human trafficking. U.S. funding for Central America and Mexico should be conditional on the recipient states strengthening human rights conditions, including in their asylum system, and combatting corruption within entities charged with border and migration enforcement.

C. Refugee Protection in Region

We acknowledge that many people are displaced from their community due to violence and persecution. For people seeking safety, economic investments alone will not serve to address their immediate need for protection. Congressional funds should support the United Nations High Commission on Refugees' expansion of in-region protection of internally displaced vulnerable populations. The UNHCR has played an important role in strengthening asylum systems in the Northern Triangle of Central America and Mexico, building up mechanisms to identify and protect the most vulnerable populations, and pursue solutions for internally displaced refugees. We recommend that Congress expand funding for UNHCR work in the region.

A faithful budget to address root causes of migration will:

- Ensure the active engagement of civil society and vulnerable populations in the design and implementation of any U.S. aid or trade initiatives.
- Support regional initiatives that consider specific country context and do not take a "one size fits all" approach.
- Invest in local violence reduction and prevention programs that help address the root causes of forced displacement at a community level.

- Increase sustainable development, education and job creation programs with particular emphasis on and to establish empowering women and girls.
- Strengthen human rights conditions on the transparency of U.S. security assistance to Mexico and Central American countries and combat corruption within entities charged with border and migration enforcement.
- Support effective national poverty reduction and trade policies that provide greater benefit and protection for indigenous populations, poor farmers, youth, and small businesses in key migrant-sending countries.
- Deny funds to abusive or corrupt security forces. In particular, no security funds should go to the Honduran government until it establishes an effective system to address human rights violations.
- Deny funds to any military forces carrying out law enforcement or immigration related tasks.

2. Robustly Fund Refugee Protection and Resettlement

More than 21 million refugees worldwide have been forced to leave behind their homes to flee persecution because of their race, religion, nationality, political opinion, or membership in a particular social group. Robust U.S. government funding is necessary to address human vulnerabilities abroad, provide strategic regional stability, and strengthen resettlement programs.

A. Migration and Refugee Assistance (MRA)

The Migration and Refugee Assistance (MRA) account plays a crucial role of the Department of State's Bureau of Population, Refugees and Migration during the initial stages of the resettlement process. This account also funds humanitarian assistance for refugees in host countries overseas and supports refugees pursuing voluntary repatriation back to their home country, integration in a host country of asylum, and third-country resettlement when the first two solutions are not viable. MRA funds basic life-saving assistance and protection to these refugees who continue to live in displacement, including the quickly growing urban refugee population, as well as refugees from countries like Bhutan, Burma, and Somalia whose displacement remains protracted. While resettlement is available to less than 1 percent of the world's total refugee population, these funds provide a safe haven and a place to call home for the most vulnerable refugees. For refugees who have no other options, MRA funds enable the U.S. to provide these refugees with protection and the opportunity to rebuild their lives in safety.

B. Emergency Refugee and Migration Assistance (ERMA)

The no-year draw-down account Emergency Refugee and Migration Assistance (ERMA) allows the State Department to respond to displacement emergencies that would otherwise result in regional instability. The ERMA account should be fully funded at its authorized level.

C. International Disaster Assistance (IDA)

The International Disaster Assistance (IDA) account funds humanitarian assistance to internally displaced persons. This early and preventive assistance helps prevent further displacement and regional strain, such as with famine and other humanitarian relief. This account enables the U.S. to help those displaced by disaster, conflict, and war, such as internally displaced individuals living in countries facing protracted conflict and humanitarian crises in Afghanistan, Somalia, and Colombia. Meeting the needs of internally displaced persons is one way to prevent the need for them to leave their countries of origin and become refugees.

D. Refugee and Entrant Assistance Account (REA)

The Refugee and Entrant Assistance (REA) account is administered by the Department of Health and Human Services Office of Refugee Resettlement (ORR). The U.S. Refugee Admissions Program (USRAP) is a vital program that offers new life to vulnerable refugees for whom the best durable solution is to find safety and refuge in a resettlement country. ORR is also responsible for providing resources and services to torture survivors, foreign-born and domestic trafficking survivors, Special Immigrant Visa recipients who worked alongside U.S. troops, and unaccompanied children. Refugees who are resettled through the USRAP go through an extensive security screening process before admission to the U.S. Once refugees arrive in the U.S., they are supported to become oriented to the community, learn English, enroll their children in school, and find employment. With this crucial support, they often are not only able to support themselves and their families but also become contributors to their new communities, integrating with and bringing innovation to our neighborhoods.

A faithful budget to protect refugees in the U.S. and abroad will:

- Fully fund Migration and Refugee Assistance (MRA) programs.
- Fully fund the Emergency Refugee and Migration Assistance (ERMA) draw-down account.
- Robustly fund the International Disaster Assistance (IDA) account to assist internally displaced persons.
- Robustly fund the Refugee and Entrant Assistance (REA) account to allow resettled refugees and the communities that welcome them the resources needed to thrive.

3. Assist Vulnerable Populations in the United States

All those fleeing conflict and persecution, including human trafficking survivors and other vulnerable populations, deserve the opportunity to pursue safe and fruitful lives. We support robust funding to ensure individuals are assisted as they pursue safety in the United States. In addition, applications for adjustment of status for refugees and asylum seekers should be covered by appropriations and general tax revenues rather than by fees from other immigrants.

A. Ensure due process for and protection of migrants, children, and asylum seekers

No funding should go towards criminal prosecution of migrants for entry and reentry (formerly known as *Operation Streamline*), which has led to serious human rights and civil rights violations. Improper entry and reentry are now the most prosecuted federal offenses in the United States, swelling the ranks of federal prisons and taxing an already overburdened justice system. Funds would be better spent preventing migrant deaths, improving rescue and recovery efforts along the U.S. Mexico border, and strengthening access to asylum.

The federal government can help individuals comply with immigration laws by increasing access to legal services for all immigrants navigating the system. In particular, all unaccompanied children and asylum seekers should have access to counsel. Currently, many children and even infants have to appear before immigration judges without legal representation. As a consequence, an overwhelming majority of children without attorneys are ordered deported. Asylum seekers and unaccompanied children should have legal representation so that they can fully present their case for protection.

Funding for services for torture victims has remained static for many years, resulting in a demand for services that exceeds resources and has caused programs to close or drastically scale back services. Furthermore, while the number of identified trafficking victims served has risen, funding levels have not risen since the program's inception and service periods are currently too short to allow victims to attain self-sufficiency before losing this life-saving support.

Rather than funding an increase in deterrence mechanisms, criminal prosecutions, and surveillance along the southwest border, government resources should be spent enhancing training on child protection, and expanding upon interpretation services available at the border, in detention, at asylum offices, and during court hearings, including for those who speak indigenous languages.

B. Fund additional Immigration Judges and Judge Teams

Examining the recent allocation of resources to the immigration courts highlights a deep flaw in the current system. Current funding has proven insufficient to meet the needs of today's immigration courts. In order to reduce lengthy delays and strengthen the U.S. immigration system Congress should fund additional immigration judges and judge teams. The immigration court backlog has doubled over the past 6 years ballooning to over 550,000 cases. This increase paired with inadequate court staffing exacerbates the time that individuals - including vulnerable populations such as asylum seekers, trauma survivors, victims of gender based violence, individuals with mental illness, and children - spend in detention before having their cases heard before a qualified judge. Additional judges and their teams should also be subject to continuing education and training on how to assess cases with the aforementioned populations in a timely and just manner, with proper use of discretion.

C. Increase access to the immigration system

Everyone is deserving of legal representation; immigrants who have representation are 15 times more likely to pursue lawful status than those who do not have adequate resources or knowledge of the system.⁷[1] A faithful budget must also prioritize increasing access to legal counsel, pro bono legal services, and legal orientation programs. This should include funding and expanding the Department of Justice Legal Orientation Program (LOP) for immigrant detainees and the Legal Orientation Program for Custodians of Unaccompanied Children (LOPC). Approximately three-quarters of detention centers have no LOP program. Congress should guarantee LOP programs at all immigrant detention centers.

Congress should also fund immigration court advice desks in communities with detention centers and in the courts with the largest immigration court backlogs. Our immigration laws are vast and complex. As people of faith we are called to ensure that government resources are spent with the individual's well-being in mind. Legal orientation programs and advice desks make a tangible difference in the lives of immigrants otherwise isolated in an unjust system.

A faithful budget assisting vulnerable populations in the U.S. will:

- End funding for en masse criminal prosecutions or further criminalizing of migrants, asylum seeker and other vulnerable populations.
- Increase due process for migrants - especially children - navigating the asylum process by expanding access to pro bono legal services.
- Provide robust funding for programs that prevent, educate communities about, and serve survivors of human trafficking and torture.
- Fund efforts to reduce lengthy waits for visa adjudications, to train and procure additional immigration judges and judge teams, and to reduce the number of people held in detention while awaiting their case adjudication.

4. Invest in Community and Immigrant Integration Over Exclusion

Rather than utilizing precious resources to apprehend, detain, and deport immigrants who make positive contributions to our society by working, providing for their families, and paying taxes, Congress should serve the best interests of our society by enacting immigration reform so that immigrants can earn their legal status and increase the many ways they contribute economically, socially, and civically to the United States.

A. Increase Access to Integration Services and Public Benefits

Communities are strongest when we welcome and support one another. When provided the assistance they need to rebuild their lives, immigrants and resettled refugees open businesses, revitalize towns, and contribute economically, socially, and spiritually to our communities. Immigrants should have easy

⁷ Ingrid V. Eagly and Shafer, Steven, A National Study of Access to Counsel in Immigration Court, University of Pennsylvania Law (2015), ssrn.com/abstract=2581161.

access to support systems that allow them to feel part of their community, including having proper access to education, healthcare, mental health and trauma recovery assistance, public assistance programs that support low income families, emergency services, and social services.

Congress should invest in U.S. Citizenship and Immigration Services Office of Citizenship, specifically Immigrant Integration and Citizenship grant programs that help immigrants integrate and pursue citizenship. A faithful budget should improve and expand access to a full continuum of services and benefits for all immigrants and refugees.

We support immigrants' easy and guaranteed access to Medicaid and poverty-alleviating, safety-net, and hunger-reduction programs, such as SNAP (food stamps), WIC (Special Supplemental Nutrition Program for Women, Infants and Children), EITC (earned income tax credit), CTC (child tax credit), and School Meals, for all, regardless of immigration status. Extending access to quality, affordable health care, affordable housing, food and nutrition programs, disability assistance, job training, ESL programs, mental health and trauma recovery support, and disaster assistance to everyone, regardless of immigration status, is a core way to live up to the faithful call to love our neighbors.

B. End Immigration Detention

People of faith who visit, accompany, or represent immigrants in detention facilities witness firsthand the toll incarceration takes on those detained, their families, and our communities. We support an end to immigration detention and recommend Congress spend funds on humane alternatives for immigrants navigating the immigration system.

We support funding streams that promote the use of community-based alternatives that have the best interest of immigrants in mind. While steps have been taken to promote alternatives to detention, immigration detention is still excessively relied upon at great financial and moral cost. Immigration detention quintupled between 1994 and 2011 without regard to cost, space limitations, or effectiveness of available alternatives. The exponential growth of the immigration detention industry has reached an all-time high, forged on an unhealthy reliance on for-profit prison companies.

In one year alone, Immigration and Customs Enforcement (ICE) spends upwards of \$2 billion on detention and only a tiny fraction of that amount on Alternatives to Detention (ATD) programs – which include privately-contracted GPS ankle monitors.

Community-based, case-management ATD programs are woefully underfunded even in proportion to more restrictive ATDs.⁸ Furthermore, private prison corporations have overtaken ATD programs, lobbying for increased surveillance and restriction of immigrants under the guise of ATDs.⁹ People of

⁸ Center for Migration Studies, *Unlocking Human Dignity: A Plan to Transform the U.S. Immigration Detention System* (2015), uscgb.org/about/migration-and-refugee-services/upload/unlocking-human-dignity.pdf.

⁹ American Friends Service Committee, *Community Cages: Profitizing Community Corrections and alternatives to incarceration* (2016), afscarizona.files.wordpress.com/2016/08/communitycages.pdf.

faith are willing to continue accompanying immigrants as they navigate the immigration system. A faithful budget would not allocate billions of dollars to the costly, unjust, unnecessary, and dangerous detention of immigrants.

C. Cease Funding for Militarizing U.S. Communities

We are called by our many faith traditions to ensure that all individuals are treated with dignity and respect. Interior enforcement and border policies should reflect these values and protect human life, tribal sovereignty, sacred sites, and public lands. Respect for human and civil rights in border enforcement policies is essential to safeguarding the integrity of our society. Customs and Border Protection (CBP) must be prepared to engage communities with respect and professionalism.

Over the past twenty years, the federal government has dramatically militarized the U.S.-Mexico border, negatively impacting the civil and human rights of border residents, encouraging racial profiling, and sowing distrust and fear between communities and the law enforcement entities they rely upon for protection. Gone largely unchecked, these operations have stifled the economic vitality and overall well-being of U.S. border communities. Current enforcement practices are devastating our communities and congregations, contributing to the deaths of thousands of migrants pushed into remote desert regions, and violating the rights of U.S. citizens and migrants alike. A faithful budget must radically shift funding priorities for border and interior enforcement by:

- I. **Abandoning barriers and militarization along our southern border in the name of “border security”.** Overwhelmingly, border communities have said that border wall or fencing does not help their condition; it does not stem the flow of forced migration, meet critical humanitarian protection needs, or help people navigate a legal system that has not been meaningfully updated in more than 30 years.
- II. **Ensure human rights protections at the border and protect the civil liberties of border communities.** We recommend Congress ensure all CBP funding is contingent on strengthened oversight, transparency, and accountability measures to ensure CBP officers adhere to best policy practices. We recommend regular public reports on CBP activities and assessment of CBP activities for efficacy, weighing the impacts on border communities.

D. End Collaboration between Local Police and Federal Authorities

At the same time that funding for border militarization has dramatically increased, so has funding for increased criminalization and internal enforcement programs. These programs, including the Secure Communities and 287(g) programs, have made survivors of domestic violence and other victims and witnesses afraid to report crimes or testify against perpetrators for fear that they or a loved one will be apprehended, detained, and deported as a result. Local police can best protect the public safety when all community members trust that they can report crimes. Secure Communities and the 287(g) program, run contrary to this community-policing objective. Even by Immigration and Customs Enforcement’s

(ICE) own standards, the program does not meet stipulated policy intent or objectives and has proven detrimental to protecting community safety and constitutional rights. A faithful budget would not mandate or fuel collaboration between ICE and local police, and would instead invest in community-driven policing reforms.

E. Increase funds for the Department of Homeland Security's Office of Civil Rights and Civil Liberties (OCRCL)

The OCRCL should be robustly funded and maintain its independence and oversight authorities to ensure that complaints for the 287(g) program, detention conditions, Secure Communities, inappropriate enforcement around "sensitive locations" including places of worship, and other immigration enforcement misconduct are appropriately processed. The OCRCL should also be adequately funded to proactively protect undocumented immigrants against labor violations and from other perpetrators seeking to exploit them.

F. Adequately fund the Office of Professional Responsibility

Adequate fund for CBP's Office of Professional Responsibility would allow for the hiring of criminal investigators to ensure timely and thorough investigations into allegations of corruption and excessive use of force involving CBP personnel. Since January 2010, at least 53 individuals have died as the result of an encounter with CBP agents. At least 48 deaths resulted from the use of force or coercion.¹⁰ With such a high number of deaths there is an urgent need and responsibility to investigate the deaths and provide closure to the victims' family members, while holding the appropriate officials accountable for their actions.

A faithful budget should prioritize community over exclusion and:

- Improve and expand access to a full continuum of services and benefits for all immigrants and refugees for integration and public benefits.
- Invest in successful programs in the U.S. Citizenship and Immigration Services Office of Citizenship, specifically Immigrant Integration and Citizenship grant programs that help immigrants integrate and pursue citizenship.
- Maintain and expand spending for translation services, tax credits, and other direct services for immigrants.
- Eliminate funding for the Secure Communities program, 287(g) and similar programs that mandate or incentivize the collaboration between local police and federal immigration authorities.
- Invest in accountability mechanisms for the Department of Homeland Security personnel and conduct.

¹⁰ American Civil Liberties Union, Death and Injuries in CBP encounters since January 2010 (May 2016), www.aclu.org/sites/default/files/field_document/may_2016_dead_and_injured_by_cbp_officials.pdf

Conclusion:

A faithful budget does not separate families, detain children, terrorize immigrants, or further militarize U.S. communities at the expense of vital education, housing, and nutritional assistance programs that promote public safety and alleviate poverty at home and abroad. Members of Congress should act with moral authority and resist funding enforcement-only policies which are not to the benefit of our nation or our communities.

We will continue to press Congress to work in a bipartisan manner to pass legislation that protects the God-given dignity and rights of every human being, including migrants, immigrants, and refugees. As we work toward practical solutions, let us together build a budget that values the unity of all families, protects the safety of all communities, and brings people together rather than tearing them apart. As a matter of faith, we are called to act.