



## #WelcomeWithDignity Response to the Biden Administration's [Blueprint](#) and Expedited Removal [Announcement](#)

The United States can and must treat people fairly and humanely at the border. We should strengthen our asylum system so that it is more just, reliable, timely, easier to navigate, and minimizes the re-traumatization of people seeking protection. While we welcome some important steps that the Biden administration has taken, including ending some Trump-era policies and rulings that eroded access to asylum, we are gravely concerned by other actions. The administration has refused to uphold U.S. asylum law and the Refugee Convention by continuing the Trump administration's Title 42 policy that illegally blocks and expels asylum seekers, sending increasing numbers of asylum seekers to U.S. jails and detention facilities, and failing to rescind many illegal Trump administration anti-asylum bans, policies, and rules.

The July 2021 [Blueprint](#) states that people have “the legal right to apply for asylum,” as indeed U.S. laws and treaties make clear. The Blueprint outlines some welcome steps by the administration, including initial funding to provide legal representation and the restoration of prosecutorial discretion to reduce adjudication backlogs. However, the Blueprint also deploys harmful rhetoric which - together with administration actions to block and expel people seeking asylum, increasingly use immigration detention, and other recent administration statements - trample on the right to asylum, including:

- attempts to “deter irregular migration” and related “public messaging,” which appear in practice aimed at discouraging refugees from seeking asylum in the United States;
- the use of fundamentally flawed and punitive expedited removal, which inherently lacks sufficient due process;
- regional migration “management” and border collaborations that prioritize enforcement instead of human rights and access to asylum;
- anti-smuggling operations that do not guarantee the rights of those in need of protection and risk criminalizing migrants or humanitarian aid workers; and
- portrayal of critical efforts to expand access to international protection and resettlement as a way to provide safety for people “closer to their homes” - a phrase [used](#) often by the prior administration to undermine the right to seek asylum in the United States.

U.S. law rightly guarantees access to asylum regardless of an asylum seeker's place or manner of entry into the United States. Yet the administration's recent [announcement](#) on expedited





removal suggests that there is a right and a wrong way to seek asylum. This is particularly galling, given that the administration has chosen to keep U.S. ports of entry generally *closed* to asylum seekers under Title 42.

Other [recent rhetoric](#) on migration, including public statements by the [President](#) and [Vice President](#), undermine the right to seek asylum and the agency of refugees to pursue protection. Advocates have [warned](#) the administration that this dangerous rhetoric risks bolstering anti-immigrant sentiments.

Timely asylum decisions must not come at the expense of fairness, and the two are not mutually exclusive. Yet, the Biden administration's brief outline of its plans to "fairly and efficiently" decide asylum cases raises concerns that the goal is speed over due process, since the plans are premised on the continued use of fundamentally unfair expedited removal. These flawed proceedings were created in the 1990s through [legislation](#) that sought to translate the deeply harmful and racist "tough-on-crime" rhetoric of those times into a "tough-on-the border" rhetoric that endures today, resulting in immeasurable harm to Black, Brown, and Indigenous migrants and asylum seekers. Indeed, the due process deficiencies of [expedited removal](#) are [well-documented](#). Officers from Customs and Border Protection (CBP), an agency [tainted](#) with a deep history of racial prejudice, frequently [fail](#) to comply with U.S. law and [properly screen](#) individuals for fear of return to home countries resulting in the deportation of refugees to persecution, torture and [death](#). Yet the Blueprint does not provide for any oversight of CBP despite its increased responsibility and concerning history. Expedited removal [should not be used](#).

The Blueprint also leaves many questions unanswered. For example, what timelines or due process cuts are slated in connection with the administration's plan for "efficiently" deciding asylum cases? Will asylum seekers in [dedicated immigration court dockets](#) have adequate time to prepare their cases, including obtaining and translating evidence, and secure legal counsel in advance of hearings? Will "migration resource centers" act as migrant detention or processing centers? What information will be shared with migrants at these centers? Will people fleeing persecution be dissuaded from leaving their countries to seek protection?

Most striking are the glaring gaps in this Blueprint. It does not mention the Biden administration's continued misuse of [pretextual](#) Title 42 public health [orders](#). Since President Biden took office, the Department of Homeland Security has summarily expelled hundreds of thousands of migrants and asylum seekers without due process. There have been over [3,200](#) public reports of attacks or kidnappings of migrants and asylum seekers blocked or expelled





due to the use of Title 42. The Blueprint claims that the United States “can” allow people to exercise their legal right to asylum “while also reducing irregular migration and maintaining an orderly, secure, and well-managed border.” But there is no indication of when the Biden administration will restart asylum processing at U.S. ports of entry or start complying with U.S. refugee law to provide access to asylum at the border in a timely manner for anyone seeking such protection.

Nowhere does the Blueprint address the increased detention of asylum seekers, with adult asylum seekers now held in facilities facing delays in credible fear processing and uneven application of the administration’s own directive to release asylum seekers on parole. The Blueprint provides no indication of where families subjected to expedited removal would be held or whether families initially placed in expedited removal would be forced to undergo credible fear interviews in CBP custody, a process that would resemble disastrous Trump administration summary deportation programs plagued by due process violations. People seeking protection at the border should be released to stay with family and other members of their community in the United States while awaiting resolution of their asylum cases, not jailed in dangerous and traumatizing detention centers.

We urge the Biden administration to more consistently affirm its commitment to protection of asylum seekers, and to abandon its negative, punitive rhetoric and framing focused on discouraging people from seeking asylum. Instead, the United States can and should welcome people seeking refuge with dignity – as outlined, in part, in these [recommendations](#) - including, to:

- uphold the right to seek protection under U.S. refugee law, the standards set forth in the Refugee Convention and its 1967 Protocol;
- restart asylum processing for all individuals seeking protection, regardless of their place or manner of entry, and ensuring that asylum seekers are promptly processed at ports of entry as they present themselves;
- process asylum cases fairly, without the use of the flawed expedited removal process or harmful immigration detention;
- rescind Trump-era [asylum rules](#) that [bar refugees](#) from protection and unreasonably [delay](#) - and in many cases outright deny - asylum seekers [work authorization](#) to support themselves while they pursue their cases;
- pass the [Dignity for Detained Immigrants Act](#) and the [Refugee Protection Act](#) when it is reintroduced, while rejecting punitive, unworkable approaches to the border; and





## WELCOME WITH DIGNITY

- Redirect existing overspending on detention and border enforcement, and instead support additional appropriations for humanitarian reception, legal representation, asylum interviews conducted by asylum officers outside of the expedited removal process, and [community-based case support](#) initiatives for people seeking asylum in the United States.

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**Join the movement and sign our pledge to [#WelcomeWithDignity here](#).**

*The #WelcomeWithDignity Campaign is composed of more than 85 organizations committed to transforming the way the United States receives and protects people forced to flee their homes to ensure they are treated humanely and fairly. To learn more and join our campaign visit: [welcomewithdignity.org](http://welcomewithdignity.org)*

