

**Statement of the American Immigration Lawyers Association
Submitted to the House Committee on Oversight and Accountability
for the February 7, 2023 hearing on the Southern Border**

February 6, 2023

Contact:

Greg Chen
Senior Director of Government Relations
gchen@aila.org; 202-716-5818

Amy Grenier
Policy and Practice Counsel
agrenier@aila.org; 202-670-7182

The American Immigration Lawyers Association (AILA), the national bar association of over 16,000 immigration attorneys and law professors, submits the following statement for the record.

As the committee convenes this hearing to address the southern border, AILA urges Congress and the Biden Administration to take immediate action not only for the purpose of building a fair, humane, and orderly asylum process for those arriving at the southern border, but to improve the entire immigration system. When migration is managed effectively, immigrants can play a critical role in advancing the prosperity of the nation. The country has directly benefited from immigration during the country's ongoing recovery from the pandemic and recession, when immigrants served in vital roles as medical professionals and other frontline workers in essential industries.

To directly address changing migration patterns at the southern border, AILA recommends the implementation of a wide range of solutions. AILA's recent policy brief "[What does a Secure Border Look Like?](#)" presents strategies to manage migration while also upholding the protections established in U.S. asylum and humanitarian law. Specifically, AILA calls for modernizing border processing by using an "all of government approach" to leverage multiple agencies and alleviate pressure on the southern border.¹ The Biden Administration should create an Office of Migrant Protection to coordinate work across immigration-related agencies. The executive branch must establish more uniform policies for sharing information between agencies operating at the border regions that are identifying and processing migrants and those in the interior, such as the immigration courts.

Greater investments are needed to improve infrastructure, including hiring more Customs and Border Protection (CBP) personnel at the ports of entry to screen vehicles and pedestrians, as well as more asylum officers at the U.S Citizenship and Immigration Services (USCIS) to interview people who fear persecution if returned to their home countries. To accomplish this, Congress must make the necessary investments in the system by adequately funding USCIS, the immigration court system, and the Department of State, which review thousands of requests for visas and other immigration cases annually. These agencies require urgent support to reduce severe case processing times that delay nearly every type of immigration application by months, even years.

AILA opposes the use of additional punitive measures, such as the detention, blocking or rapid expulsion of people arriving at the border. The current and past administrations have tried such methods only to discover they are ineffective, unfair, and place people's lives at grave risk of violence, even death. For example, the Title 42 policy has failed to reduce the number of people arriving at the southern border while trapping them in unsafe, dangerous conditions in Mexico.

Congress should support the Biden administration's efforts to partner with other nations to navigate the shift migration patterns impacting the entire Western Hemisphere. Data from the U.N. High Commissioner for Refugees demonstrates that many countries across the Americas "are seeing a rise in the number of people seeking asylum."² The United States should continue to invest in multi-lateral efforts to improve humanitarian programs, including those that support economic development and political stability in the region.

Finally, new legal pathways must be created and expanded upon to facilitate immigrants coming to the United States. Congress should pass reforms that provide the necessary temporary and permanent immigrant visas for family members, foreign workers and those seeking protection from persecution. In the absence of legislation, the Biden Administration should continue to implement programs within its legal authority, such as expanding the U.S. refugee program, eliminating backlogs to guarantee the full use of approved visas, and parole programs like those recently announced for selected countries.

These fixes will require a sustained commitment by Congress and will yield results with dramatic benefits to the immigration system as well as the U.S. economy and communities across the country. Three decades have passed during which Congress has been unable to enact systemic reform to the immigration system. Congress must re-double its efforts to pass legislation. The challenges at the U.S. southern border will only be addressed successfully with long-term solutions that improve the whole immigration system while preserving access to due process and asylum required under U.S. law.

¹ American Immigration Lawyers Association, "Policy Brief: What Does a Secure Border Look Like?" (Dec. 27, 2022), <https://www.aila.org/advo-media/aila-practice-pointers-and-alerts/policy-brief-what-does-a-secure-border-look-like>.

² Silva Mathema and Zefitret Abera Molla, "Taking Migration Seriously: Real Solutions to Complex Challenges at the Border," Center for American Progress, (Oct. 26, 2022) <https://www.americanprogress.org/article/taking-migration-seriously-real-solutions-to-complex-challenges-at-the-border/> citing U.N. High Commissioner for Refugees, "Refugee Data Finder," (last accessed October 2022) <https://www.unhcr.org/refugee-statistics/download/?url=Jci191>.