

# CRIMINALIZATION OF ASYLUM SEEKERS AND FAMILY SEPARATION AS A GENOCIDE PRACTICE

Submission to the United Nations  
Universal Periodic Review of

United States of America

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Hope Border Institute (HOPE) is an independent grassroots community organization instituted in 2014 working in the El Paso-Ciudad Juárez-Las Cruces border region. It seeks to bring the perspective of Catholic social teaching to bear on the social realities unique to our region and utilize a human rights informed framework of analysis. Through a robust program of research, reflection, leadership development, education and action, HOPE develops and aligns the border's community leaders engaged in the work of justice from across the Mexico-US border to deepen solidarity across borders, protect human rights, and transform our region.

## SUMMARY

1. Hope Border Institute submits the following comments to the United Nations Universal Periodic Review of the United States of America, focusing specifically on human rights concerns surrounding the right of asylum, the use of inhumane punishment and torture against adults and children seeking asylum, and the crime of genocide.
2. Since 2016, Hope Border Institute has documented precarious practices by agencies under the United States Department of Homeland Security (DHS) hindering and obstructing due process of asylum and criminalizing immigrants and asylum seekers (IAS). DHS has also utilized inhumane punishment such as family separation and detention as means of deterrence and torture against IAS, as a social group, which falls into genocide practices. These human rights violations are brought to the reviewing committee seeking transparency and accountability from the pertaining U.S. agencies and branches of government. We urge the United States government to stop these human rights violations, implement measures to prevent future violations, respect international asylum laws and facilitate access to asylum and regular migration, mitigate damage caused and remove the 10 year ban for IAS and their families deported in absentia as well as all minors.
3. Hope Border Institute (HOPE) is an independent grassroots community organization instituted in 2014 working in the El Paso-Ciudad Juárez-Las Cruces border region. It seeks to bring the perspective of Catholic social teaching to bear on the social realities unique to our region and utilize a human rights informed framework of analysis. Through a robust program of research, reflection, leadership development, education and action, HOPE develops and aligns the border's community leaders engaged in the work of justice from across the Mexico-US border to deepen solidarity across borders, protect human rights, and transform our region.

## LEGAL FRAMEWORK & METHODOLOGY

4. The main international legal instruments used for this analysis include the Declaration of Human Rights, the International Convention on the Civil and Political Rights, the Convention on the Prevention and Punishment of the Crime of Genocide, and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. All these original treaties have been ratified by the United States. However, the United States has failed to ratify subsequent protocols to the conventions and has hold reservations and understandings to many of the documents falling in discordance with international law.

5. Data gathered for the UPR report was documented over the course of 4 years working with directly impacted persons, immigration attorneys, and advocacy networks on both sides of the U.S. Mexico Border. Over 700 cases of migrants and asylum seekers were observed and documented from the summer of 2016 to July 18th of 2019 facing a newly imposed ban on asylum seekers travelling by a 3rd “safe” country. <sup>1</sup>
6. Observations were published in three reports directed by HBI’s primary researcher Edith Tapia and Camilo Perez Bustillo: *Discretion to Deny* (2017), *Family Separation* (2018) and *Hope and Resistance in* (2019). Documentation included hearings at El Paso’s immigration courts and federal criminal courts, interviews with children detained at the detention facility in Tornillo, Texas, interviews with IAS detained at El Paso’s ICE Processing Center, Otero Processing Center, Sierra Blanca all located in El Paso Sector; in depth interviews with legal advocates including staff from Las Americas Advocacy Center and the office of Spector and Spector, surveys and interviews with migrants in detention, Know Your Rights Trainings and data collected at migrant shelters in Cd. Juarez, Mexico and El Paso, Texas including Casa Del Migrante and the Annunciation House shelter network, interviews with asylum seekers turned back by CBP officers, point of entry observations in collaboration with the ACLU, and meetings with administration officials.

## BARRIERS TO ASYLUM AT THE U.S. MEXICO BORDER

7. People coming to the U.S. Mexico border face increased barriers to asylum while military conflict, social unrest, and climate change continue to pose unprecedented challenges worldwide. This was especially true for Central Americans facing increasing levels of violence and severe droughts.<sup>2</sup> The single largest number of apprehensions in El Paso Sector and across the southern border from August 2018 to August of 2019 were family units from Guatemala largely women of indigenous descent with small children.<sup>3</sup> The extent to which the United States has gone in recent years to obstruct asylum, and to dehumanize and criminalized asylum seekers, in conjunction with its hegemonic power, pose a dangerous threat to the international community and the future of human rights. Some of these obstructions include the use of deterrence practices such as illegal pre-screenings at points of entry turning asylum seekers away, implementation of

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<sup>1</sup> Ahmed, Azam and Villegas Paulina. “This Takes Away All Hope.” New York Times. <https://www.nytimes.com/2019/09/12/world/americas/asylum-seekers.html>

<sup>2</sup> Meyer, Maureen and Pachico Elyssa. Fact Sheet: U.S. Immigration and Central American Asylum Seekers. <https://www.wola.org/analysis/fact-sheet-united-states-immigration-central-american-asylum-seekers/>

<sup>3</sup> CBP. U.S. Border Patrol Southwest Border Apprehensions by Sector Fiscal Year 2019. <https://www.cbp.gov/newsroom/stats/sw-border-migration/usbp-sw-border-apprehensions>

discriminatory immigration and asylum policies, increased militarization of the borderland community, and the criminalization of migrants and asylum seekers. <sup>4</sup>This systematic obstruction of asylum must be regarded as a global security threat to social and political stability.

8. Accounts of pre-screenings at points of entry were first documented on May 21, 2018 <sup>5</sup> Their purpose was to profile, identify and defer possible asylum seekers. IAS and advocates were told “that capacity to process every asylum seeker arriving to El Paso at the time of their arrival” and told to go back without any further guidance. <sup>6</sup> As a result, many IAS were left to sleep in the streets and vulnerable to crime in Mexico including human trafficking and kidnapping. <sup>7</sup> This practice gave place to the development of formal and less formal metering lists in different border towns including Cd. Juarez, where IAS would have to wait up to several weeks to be able to present themselves at points of entry to effectively seek asylum<sup>9</sup> and then be either detained, or dropped at bus stations or shelters to be reunited with their sponsors many times with ankle monitors. <sup>10</sup> This changed on June 7, 2019 through the implementation of the Migrant Protection Protocol (MPP) or Remain in Mexico program sending about 60,000 people by the US to Mexico by the end of August. <sup>11</sup> This policy forced seekers to remain in Mexico while continuing their asylum proceedings, limiting their access to council, resources, and overseeing 7 times the shelter capacity in Cd. Juarez, leaving thousands of migrants

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<sup>4</sup> The Intercept. THE U.S. BORDER PATROL AND AN ISRAELI MILITARY CONTRACTOR ARE PUTTING A NATIVE AMERICAN RESERVATION UNDER “PERSISTENT SURVEILLANCE”. August 25, 2019 <https://theintercept.com/2019/08/25/border-patrol-israel-elbit-surveillance/>

<sup>5</sup> Tapia, Edith and Perez-Bustillo, Camilo. Hope and Resistance at the Border. P. 9 Turnbacks. El Paso, United States. 2019.

<sup>6</sup> “ “

<sup>7</sup> Hérica Martínez Prado, “Returnees Sleep in the Streets” (Retornados Duermen en la Calle), El Diario, May 18, 2019, <https://diario.mx/juarez/retornados-duermen-en-la-calle-20190517-1516722/> (accessed June 10, 2019); Human Rights Watch interview with Enrique Valenzuela, general coordinator, Comisión Estatal de Población, Ciudad Juárez, Mexico, May 7, 2019.

<sup>8</sup> Nick Miroff, “Migrant Caravan: One Reason Central Americans Are Going All the Way to Tijuana to Reach the U.S. Border? El Chapo,” Washington Post, November 15, 2018, [https://www.washingtonpost.com/world/2018/10/24/migrant-caravan-updates/?utm\\_term=.dda236d09ed6](https://www.washingtonpost.com/world/2018/10/24/migrant-caravan-updates/?utm_term=.dda236d09ed6) (accessed on June 24, 2019); “At Least 4,000 Migrant on Way to US Have Died or Gone Missing in Last Four Years,” Associated Press, December 5, 2018

<sup>9</sup> Human Rights Watch. “We Can’t Help You Here” P. 17.

<sup>10</sup> Hope Border Institute. “Hope and Resistance at the Border.” P. 3

<sup>11</sup> Human Rights Watch “ We Can’t Help You Here.” P.2.

homeless, home insecure and without access to seek legal counsel.<sup>12</sup> Facing lack of access to shelter and resources and extended waiting times many IAS looked for expedited processing and medical attention by attempting to cross between ports of entry and presenting themselves at Border Patrol Agents.<sup>13</sup> This attempt has become increasingly dangerous as well. In June of 2019 alone 9 migrants lost their life<sup>14</sup> as a result of increased border wall installations that force them to cross under the most dangerous terrains and under precarious conditions, and making them a profitable target for human traffickers<sup>1516</sup>

9. In addition, entry without inspection, as noted in Section 1325 of the US Immigration Code<sup>17</sup> gave IAS with charges on the criminal system. <sup>18</sup>These criminal charges were the legal basis for family separation, declaring that it was not in the best interest of the children to remain with parents facing criminal charges. <sup>19</sup> Thus, Section 1325 creates a narrative of undocumented immigrants as criminals which leads to the violation of their human rights. Furthermore, as a result of the criminalization of IAS and the increasing attempts to reject their asylum claims, allies providing humanitarian assistance and water such as Scott Warren from the group No More Deaths in Arizona have also been criminalized and faced criminal charges. <sup>20</sup>

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<sup>12</sup> INSERT DATA

<sup>13</sup> Hope Border Institute, “Remain in Mexico Updates,” June 6, 2019, <https://www.hopeborder.org/remain-in-mexico-052219> (accessed June 10, 2019).

<sup>14</sup> Texas Tribune. June has been a deadly month for migrants crossing the border into Texas. <https://www.texastribune.org/2019/06/28/migrants-border-texas-drowning-deaths-june-deadly-month/>

<sup>15</sup> Texas Tribune. How one migrant family got caught between smugglers, the cartel and Trump's zero-tolerance policy <https://www.texastribune.org/2019/03/07/migration-us-border-generating-billions-smugglers/>

<sup>16</sup> New York Times. What It Costs to Be Smuggled Across the U.S. Border. <https://www.nytimes.com/interactive/2018/06/30/world/smuggling-illegal-immigration-costs.html>

<sup>17</sup> 8 U.S. Code § 1325. Improper entry by alien. <https://www.law.cornell.edu/uscode/text/8/1325>

<sup>18</sup> QUARTZ. What if crossing the border illegally wasn't a crime? <https://qz.com/1654767/what-if-section-1325-were-repealed-like-julian-castro-said/>

<sup>19</sup> Houston Chronicle. Trump administration still separating hundreds of migrant children at the border through often questionable claims of danger. <https://www.houstonchronicle.com/news/houston-texas/houston/article/Trump-administration-still-separating-hundreds-of-14029494.php>

<sup>20</sup> New York Times. An Arizona Teacher Helped Migrants. Jurors Couldn't Decide if It Was a Crime.. <https://www.nytimes.com/2019/06/11/us/scott-warren-arizona-deaths.html>. June 11, 2019.

10. Additional inhumane and discriminatory immigration policies in this period included asylum bans and restrictions, and expedited removals among others. On Nov 9, 2018 Trump signed an order for an asylum ban for Central Americans, which aimed at halting the flow of migrants mainly from Guatemala, Honduras and El Salvador crossing into the United States without authorization. The Supreme Court rejected it on December 21.<sup>21</sup> On February 27, 2018, the Supreme Court's decision in *Jennings v. Rodriguez* opened the door to the indefinite detention of migrants.<sup>22</sup> On July 23, 2019 an expedited removal policy was passed to bypass immigration judges and allow immigration authorities to deport anyone in the US who had been in the country illegally up to two years (people without an immigration-court date or pending asylum process) anywhere in the U.S.<sup>23</sup> In November of 2018, the White House already tried to prevent asylum seekers crossing the border between ports of entry from seeking asylum, but a federal court blocked that attempt and the decision was upheld by the US Court of Appeals for the 9th Circuit. <sup>24</sup> On July 26, 2019 After threatening Guatemala with tariffs, tax on remittances and a travel ban, Trump announced a safe third country agreement with Guatemala forcing migrants who pass through Guatemala to have to apply for asylum there before attempting to apply in the U.S. <sup>25</sup>

#### INHUMANE PUNISHMENT & FAMILY SEPARATION AS TORTURE, DETERRANCE, AND GENOCIDE PRACTICE

11. The separation of the families and the inhumane conditions and arbitrarily long periods of time in which migrants and asylum seekers were detained are some of the most alarming human rights violations continually committed by the United States.<sup>26</sup> These systematic

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<sup>21</sup> The Straits Times. Supreme Court deals Trump another immigration setback. December 22, 2018. <https://www.straitstimes.com/world/united-states/supreme-court-deals-trump-another-immigration-setback>

<sup>22</sup> Hope Border Institute. Hope and Resistance. P.20.

<sup>23</sup> Trump administration to expand its power to deport undocumented immigrants. [https://www.washingtonpost.com/immigration/trump-administration-to-expand-its-power-to-deport-undocumented-immigrants/2019/07/22/76d09bc4-ac8e-11e9-bc5c-e73b603e7f38\\_story.html](https://www.washingtonpost.com/immigration/trump-administration-to-expand-its-power-to-deport-undocumented-immigrants/2019/07/22/76d09bc4-ac8e-11e9-bc5c-e73b603e7f38_story.html).

<sup>24</sup> “ “

<sup>25</sup> <https://www.texastribune.org/2019/07/15/can-us-legally-block-most-asylum-claims-southern-border/> JULY 15, 2019

<sup>26</sup> International Association of Democratic Lawyers. Human Rights violations in the United States of America: Emergency at the Southern Border. <https://iadllaw.org/2019/03/human-rights-violations-in-the-united-states-of-america-emergency-at-the-southern-border/>

punitive practices are forms of torture and denote intent of attempted genocide according to Articles II and III of the CPPCG. <sup>27</sup><sup>28</sup>

12. Detention of IAS increased since the Obama Administration in 2013 and has rapidly escalated since the beginning of the Trump Administration in 2016. <sup>29</sup> Conditions at detention centers are often times unbearable with very limited access to medical services especially related to mental health, unsanitary facilities, and verbal and physical harassment by facility personnel and DHS judges, CBP, Border Patrol, and ICE officers. Lack of transparency exacerbates these issues.
13. Only since March 2010, ICE has reported adult deaths in detention, including at least 26 people who have died during the Trump administration. <sup>30</sup>In multiple attempts<sup>31</sup> the administration also attempted to terminate the Flores agreement in order to hold families indefinitely <sup>32</sup> Inhumane conditions at facilities, and the arbitrarily long detention are unnecessarily punitive for those entering without inspection yet also used against those who have presented themselves at points of entry to seek asylum.<sup>33</sup> These unnecessary, highly punitive measures causing severe physical and mental pain towards IAS are described and sanctioned Articles I,II and II of the Convention Against Torture which the US ratified. <sup>34</sup>
14. More than 4,500 complaints were received in four years about the sexual abuse of immigrant children who were being held at government-funded detention facilities.

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<sup>27</sup>Gerald Grey, Separation of Families on the US-Mexican Border as a form of Torture, Hope Border Institute, 07 May 2018, <https://www.hopeborder.org/bo-family-separation>

<sup>28</sup> <https://www.ohchr.org/EN/ProfessionalInterest/Pages/CrimeOfGenocide.aspx>

<sup>29</sup> Hope Border Institute. Sealing the Border. P. 3

<sup>30</sup> Human Rights Watch. Another Needless Death in US Immigration Detention. <https://www.hrw.org/news/2019/07/26/another-needless-death-us-immigration-detention>

<sup>31</sup> Hope Border Institute. Hope and Resistance. P. 16

<sup>32</sup>Washington Post. Trump administration moves to terminate court agreement, hold migrant children and parents longer. [https://www.washingtonpost.com/immigration/trump-administration-moves-to-terminate-court-agreement-hold-migrant-children-and-parents-longer/2019/08/21/c268bb44-c28b-11e9-9986-1fb3e4397be4\\_story.html](https://www.washingtonpost.com/immigration/trump-administration-moves-to-terminate-court-agreement-hold-migrant-children-and-parents-longer/2019/08/21/c268bb44-c28b-11e9-9986-1fb3e4397be4_story.html)

<sup>33</sup> ACLU, Groups Challenge Trump Administration's Arbitrary Detention of Asylum Seekers, 15 March 2018, <https://www.aclu.org/news/groups-challenge-trump-administrations-arbitrary-detention-asylum-seekers>

<sup>34</sup> International Convention Against Torture. Articles i, ii, iii.

<sup>35</sup>Fifteen immigrant children have died in 2019 in the U.S. Mexico Border. <sup>36</sup> In our border community, we suffered the death of 3 children, 2 of Guatemalan, indigenous descent who had been detained and failed to receive timely medical attention.<sup>37</sup>

15. Family separation was first tested by the Trump Administration in El Paso sector. <sup>38</sup> It was then extended to the rest of the border communities under the Zero Tolerance policies on April 6, 2018. <sup>39</sup> Acting DHS Secretary Mc Aleenan testified before the House Oversight and Reform Committee on July 2019 that nearly 1,000 children have been separated from their families in the current fiscal year. <sup>40</sup> The agencies have failed to provide accurate numbers of total separations prior and after the zero tolerance policies. As of September 6, 2019, 27 children remain in government custody as a result of those policies. <sup>41</sup> According to CBP, the number of children in facilities at the border declined to 200 in June, 2019 from 2,700 in May of the same year. <sup>42</sup>In December of 2018, however, nearly 15,000 children were being held in detention facilities. <sup>43</sup>Accounts of a teenage boy detained at the Tornillo Detention Facility explains how many children waited months before being reunited with a sponsor.<sup>44</sup> This delay was partially caused by the requirement that sponsors passed background checks and submitted finger prints of all household members resulting often times in the deportation of undocumented family members.<sup>45</sup>Yet, personnel at the Tornillo facility working with the children did not have a

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<sup>35</sup> New York Times. Thousands of Immigrant Children Said They Were Sexually Abused in U.S. Detention Centers, Report Says. [nytimes.com/2019/02/27/us/immigrant-children-sexual-abuse.html](https://www.nytimes.com/2019/02/27/us/immigrant-children-sexual-abuse.html)

<sup>36</sup> IOM. Missing migrants project - <https://missingmigrants.iom.int/>

<sup>37</sup> Hope Border Institute. Hope and Resistance. P. 30-31

<sup>38</sup> Hope Border Institute. Sealing the Border. P.3

<sup>39</sup> Hope Border Institute. Hope and Resistance P. 5

<sup>40</sup> NPR. Homeland Security Chief: Agency Has Made 'Significant Strides' On Border, Migrants. <https://www.npr.org/2019/07/18/742323488/homeland-security-chief-to-face-off-with-democrats-on-border-crisis>

<sup>41</sup> INCLUDE CAMILO's quote

<sup>42</sup> New York Times. Poor Conditions Persist for Migrant Children Detained at the Border, Democrats Say. <https://www.nytimes.com/2019/08/29/us/politics/homeland-security-migrant-children.html>

<sup>43</sup> NPR. Almost 15,000 Migrant Children Now Held At Nearly Full Shelters. <https://www.npr.org/2018/12/13/676300525/almost-15-000-migrant-children-now-held-at-nearly-full-shelters>

<sup>44</sup> Hope Border Institute. Hope and Resistance. P. 15.

<sup>45</sup> CNN. ICE arrested undocumented immigrants who came forward to take in undocumented children. <https://edition.cnn.com/2018/09/20/politics/ice-arrested-immigrants-sponsor-children/index.html>

background check.<sup>46</sup> The child detention facility in Clinton, Texas also caught the attention of the UN High Commissioner for Human Rights which criticizes migrant detention conditions, Commissioner Michelle Bachelet stated that she is “appalled” by the conditions in migrant detention and is “deeply shocked that children are forced to sleep on the floor in overcrowded facilities, without access to adequate healthcare or food, and with poor sanitation conditions.”<sup>47</sup> These same concerns were highlighted in the Inspector General report on detention conditions including lack of access to showers, prolonged detention of children, health and safety risks and security incidents, and violations of the Flores agreement.<sup>48</sup> The Convention on the Rights of the Child sanctions the practice of such cruel and inhumane treatment and conditions of detention for minors on Article 37 and also sanctions family separation on Article 9.<sup>49</sup> Psychologists and trauma therapist underline the level of mental distress and pain inflicted because of these traumatic experiences is a form of torture with especially disastrous consequences for the mental health of children.<sup>50</sup>

16. While the practices of indefinite detention and family separation each on their own are violations against CAT for which the US should be held accountable, it is critical to analyze them in light of two more factors to understand them as true practices of genocide: social groups and historic precedents.
17. The United States has two major historical precedents of genocide. One is the genocide against indigenous people which included multiple massacres and deportations during the Indian-American wars and continued with boarding schools to “kill the Indian, save the man” through assimilation.<sup>51</sup> Another is the black genocide from the decades of lynching

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<sup>46</sup> Immigration Impact. The Government Failed to Conduct Background Checks on Staffers at Migrant Child Tent City. <http://immigrationimpact.com/2018/11/30/background-checks-staffers-migrant-child-tent-city/>

<sup>47</sup> Washington Post. <https://www.washingtonpost.com/immigration/2019/07/08/un-human-rights-chief-deeply-shocked-by-migrant-detention-center-conditions-texas/>

<sup>48</sup> Inspector General report on detention center conditions in South Texas

<sup>49</sup> Convention on the Rights of the Child Articles 9-10 and 37.

<sup>50</sup> Gerald Grey Separation of Families on the US-Mexican Border as a form of Torture, Hope Border Institute, 07 May 2018, <https://hopeborder.org/bo-family-separation>

<sup>51</sup> History. How Boarding Schools Tried to ‘Kill the Indian’ Through Assimilation <https://www.history.com/news/how-boarding-schools-tried-to-kill-the-indian-through-assimilation>

and long term racial discrimination still deeply rooted in many of the systems particularly the justice system with its unproportioned incarceration black and brown people. <sup>52</sup>

18. The same system of incarceration has paved the way for the increased criminalization and detention of migrants and asylum seekers creating lucrative for-profit prison and detention systems.<sup>53</sup> Both migrants and asylum seekers are social groups with high vulnerability which the United States is systematically targeting, incarcerating, torturing through family separation and indefinite detention and denying of basic human rights causing intergenerational socio-economic and political damage as well as trauma. It is also important to notice that within these social groups the fastest growing populations of 2018 were women and children of indigenous descent from Central America. They constitute some of the most vulnerable groups, however, they were offered little to no consideration in regard to pregnancies (pregnant women in detention were often denied parole),<sup>54</sup> language barriers when indigenous languages were spoken,<sup>55</sup> or different mental capabilities<sup>56</sup> The effects of these practices not only have mentally and physically traumatic experiences but also political ones such as 10 year bans on people deported and the children they came with, increased debt, poverty and social instability in their countries of origin. This systematic approach to obstruct asylum, take away protections of vulnerable populations, criminalize and inhumanly punish migrants and asylum seekers as a collective group with indefinite detention and family separation cannot be overlooked by the international community. A state must not have the right to systematically separate the children from the parents of a social group and not be held accountable for genocide.

## RECOMMENDATIONS

19. We urge the United States to ratify all missing international conventions and protocols. We demand from the United States and the International Community to reassess the basis

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<sup>52</sup>Charles Lewis III (1997) "Guilty as Charged: Malcolm X and His Vision of Racial Justice for African Americans Through Utilization of the United Nations International Human Rights Provisions and Institutions," Penn State International Law Review: Vol.16: No. 1, Article 3. Available at: <http://elibrary.law.psu.edu/psilr/vol16/iss1/3>

<sup>53</sup> The Globe Post. Who Profits From Migrant Detention in the US?. <https://theglobepost.com/2019/08/19/profit-migrant-detention/>

<sup>54</sup> Hope Border Institute. Sealing the Border. Detention of Pregnant Women P. 17

<sup>55</sup> Hope Border Institute. Sealing the Border. Language Barriers in Court P. 23

<sup>56</sup> The Guardian. 'Like a child': the disabled migrant stranded and alone in Mexico. <https://www.theguardian.com/us-news/2019/jul/27/mexico-disabled-migrant-stranded-trump>

for asylum and extend its legal protections in light of increasing challenges of climate change, and social volatility, in the spirit of progressive realization to protect vulnerable populations that are disproportionately affected and forcibly displaced, particularly in the Global South including women, children, the poor, indigenous people and people of color.

20. In order to address the obstruction to asylum and attempt to rectify the reviewed human rights violations, the following recommendations are made to the members of the United States Congress.
21. Decriminalize immigrants and asylum seekers crossing between points of entry. Repeal criminal charges from Section 1325 of the U.S. Immigration Code.
22. End detention for all immigrants and asylum seekers that do not pose a threat to community safety.
23. Prohibit bans and policies jeopardizing due process to asylum claims, such as MPP, or banning asylum seekers transiting through a “safe” third country, or from any geographical area, and respect case by case claims.
24. Remove entry bans for all minors that were deported, and provide amnesty for those deported in absentia who abandoned their asylum claims by deterrence and precarious conditions unknowingly of the 10 year ban.
25. Provide sufficient funding to the Executive Office of Immigration Review of the Department of Justice for additional immigration judges and to US Citizenship and Immigration Services for additional asylum officers.
26. Do not provide additional funding to the Department of Homeland Security (DHS) for immigration enforcement and without specific measures to ensure appropriate and effective oversight and to stop and prevent abusive policies and defund border militarization.
27. End all practices of family separation and provide sufficient funding to the Department of Health and Human Services to reunite separated families affected prior, during, and after the zero tolerance policies, and to provide services for trauma recovery.
28. To the Department of Homeland Security, we recommend:
29. Increase transparency and accountability from all agencies. Generate frequent reports, and create an independent medical advisory committee.
30. End the use of private for-profit detention facilities and for-profit medical care subcontractors.
31. Improve conditions and medical care in detention and processing facilities.
32. Limit use and duration of immigration detention and move towards ending the practice entirely.
33. Utilize a humane enforcement of removal in a way that respects basic dignity and rights and should ensure that legal counsel and deportees are advised of impending deportation.