

January 9, 2024

Honorable Alejandro Mayorkas
Secretary
Department of Homeland Security
Washington, DC

Dear Sir.:

We, the undersigned Catholic organizations who work with migrants both at the US-Mexico border and in the interior of the country, write to express our opposition to several immigration proposals you are reportedly considering as part of the Biden administration's supplemental budget request. We believe that there are alternative policies that could help manage our nation's borders more efficiently without sacrificing human rights.

First, we believe that the proposal to raise the legal standard for accessing the US asylum system, known as the "credible fear" test, from a "significant possibility" that an asylum seeker can prove the asylum claim in a hearing to "more likely than not," would indeed send a significant number of bona fide asylum seekers back to harm, violating both domestic and international law.

As you should know, asylum seekers who reach our southern border are often in severe distress, not only because of persecution in their home countries but also from trauma experienced on their journeys. As such, they often are unable to precisely articulate their fear, especially to law enforcement officials in a detention setting. Raising the threshold for articulating that fear only would increase the pressure and distress they may feel, leading to a failure to credibly articulate their fear and risk having their claim denied.

Instead, we believe that the asylum system should be reformed to increase its efficiency and reduce waiting times for an asylum hearing. Funding included in the supplemental budget proposal would increase the number of asylum judges available to hear cases and the number of attorneys available to represent asylum seekers, who often are unable to obtain legal representation for their cases.

Second, the proposal to mandatorily detain asylum seekers while they await their hearings is inhumane, as numerous studies have shown detention has a detrimental physical and mental impact on individuals, families, and children. It also is a waste of taxpayer dollars, as most non-detained asylum seekers attend their hearings, and building detention capacity would cost billions - much of which would be funneled to private prison companies-.

As an alternative, we would propose an investment in alternatives to detention programs such as the Case Management Pilot Program, which has proven to ensure the human dignity of migrants and reduce government costs.

Third, the proposal to expand the use of expedited removal throughout the country would violate basic due process protections and lead to several unintended consequences, including the profiling of legal immigrants and US citizens. Those who would be targeted under this policy have built strong equities in our nation, including contributing to our economy and enriching our Catholic communities. As many as seventy percent of undocumented immigrants have lived here for ten years or more, including undocumented youth. Instead of rounding them up and sending them back to countries they do not know, we should provide them a path to citizenship so they can fully contribute their talents to our nation.

Finally, we have concerns about the proposal to give the President unbridled authority to close the border. As we witnessed during the “Remain in Mexico” program, migrants, including women with children, are subject to danger and violence by criminal elements in Mexico. Moreover, we believe that closing the border at ports of entry would encourage unscrupulous smugglers to find alternative ways to penetrate the border, leading migrants on more expensive and dangerous treks. In addition, measures that alter the normal functioning of ports of entry severely impact locals and trade flows alike, jeopardizing borderland residents’ daily lives and relations with Mexico.

It is questionable whether these proposals would in fact reduce the number of asylum seekers reaching the US-Mexico border in the years ahead. From our experience, the forces pushing people to flee their homeland and our domestic labor market thirst for workers are stronger over the long term than any deterrence policies. We strongly support a long-term US strategy to address the root causes of flight in many countries, including endemic poverty, conflict and persecution, the lack of security, and climate change.

We renew our call, and that of the US Catholic bishops, for a bipartisan process to comprehensively reform the US immigration system, including the legal immigration system. With political will and statesmanship, we believe that Congress and the Biden administration can work together to modernize our system while humanely managing our borders and upholding the rule of law.

Sincerely,

Adorers of the Blood of Christ US Region JPIC Office
Adrian Dominican Sisters
Catholic Charities of Southern New Mexico
Catholic Legal Services, Archdiocese of Miami
Center for Migration Studies of New York
CLINIC
Congregation of St. Joseph of Chicago
Daughters of Charity of St. Vincent de Paul USA
Dominican Sisters of Hope
Dominican Sisters of Sinsinawa
Estrella del Paso (formerly Diocesan Migrant & Refugee Services)
Franciscan Action Network

Franciscan Sisters of the Sacred Heart
Grey Nuns of the Sacred Heart
Holy Cross Sisters
Hope Border Institute
Ignatian Solidarity Network
Immaculate Heart Community Commission on Justice for Immigrants, Refugees, and
Indigenous People
Jesuit Refugee Service/USA
Justice, Peace and Integrity of Creation Committee of the Sisters of St. Joseph of Buffalo and
Associates
Kino Border Initiative
Leadership Team of Sisters of Providence
Leadership Team of the Felician Sisters of North America
Maryknoll Office for Global Concerns
Medical Mission Sisters, Justice Office
NETWORK Lobby for Catholic Social Justice
Office of JPIC Daughters of Wisdom
Office of Peace, Justice, and Ecological Integrity/Sisters of Charity of Saint Elizabeth
Our Lady of Victory Missionary Sisters
Quixote Center
Sisters of Charity of Leavenworth Office of Justice, Peace, and Integrity of Creation
Sisters of Charity of Nazareth Western Province Leadership
Sisters of Mercy Justice Team
Sisters of Notre Dame de Namur EW
Sisters of Notre Dame of the United States
Sisters of Providence of Saint Mary-of-the-Woods Indiana
Sisters of Saint Joseph of Chestnut Hill Philadelphia Pennsylvania
Sisters of St. Francis of Philadelphia
Sisters of St. Joseph
Sisters of St. Joseph of Boston
Sisters of St. Joseph of Chambery/WestHartford
Sisters of St. Joseph of Lyon - Maine
Sisters of St. Joseph of Orange
Sisters of St. Joseph of Springfield
Sisters of the Holy Spirit
Sisters of the Humility of Mary
Sisters of the Presentation of the Blessed Virgin Mary
Sisters, Servants of the Immaculate Heart of Mary, Scranton, PA
Society of the Holy Child Jesus
U.S. Federation of the Sisters of St. Joseph