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Representative Paul Gosar
House Committee on Natural Resources
Subcommittee on Oversight and Investigations,
1324 Longworth House Office Building
Washington, DC 20514

Representative Melanie Stansbury
House Committee on Natural Resources
Subcommittee on Oversight and Investigations,
1324 Longworth House Office Building
Washington, DC 20514

On behalf of Amnesty International USA and our members and supporters in the United States, I am grateful to the Chair Gosar and Ranking Member Stansbury, for the invitation to provide testimony in the hearing entitled, “Destroying America’s Best Idea: Biden’s Border Crisis, Desecrating National Park Lands and Damaging Communities” on June 13, 2024.

Amnesty International is a Nobel Prize-winning global human rights organization committed to fighting for the human rights of all people – no matter who they are or where they are. Amnesty is the world’s oldest and largest global grassroots human rights organization, and as the U.S. section of the organization, we have members and activists in all 50 states. Our members are part of a larger global movement of 10 million people in 150 countries.

Our vision is of a world in which every person enjoys all of the human rights enshrined in the Universal Declaration of Human Rights and other international human rights instruments. On December 10, 1948, the United Nations General Assembly adopted the Universal Declaration of Human Rights (UDHR). Article 14 of the UDHR states that everyone has the right to seek and to enjoy in other countries asylum from persecution. Enshrined in international and domestic law, the right to seek asylum is a bedrock of refugee protection. Under the 1951 Convention Relating to the Status of Refugees, of which the United States was a key drafter, and its 1967 Protocol, the latter of which the U.S. incorporated into domestic law through the 1980 Refugee Act, governments must uphold the right to seek asylum. The U.S. government codified in domestic law the right to seek asylum both at and between ports-of-entry along the U.S. border.

Further, Article 25 of the Universal Declaration of Human Rights establishes that “everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.” That right extends to all people, regardless of their immigration status.

As the Director of Refugee and Migrant Rights at Amnesty International USA, a key aspect of my role is working to ensure the United States is upholding these human rights obligations regarding the treatment of migrants, asylum seekers and refugees, both at its borders and within the interior of the U.S. And while I am here today in my professional capacity, the decision to leave someone's home in order to seek safety is a deeply personal one. Like so many other Americans across the United States, my family came to the United States generations ago to seek protection from persecution. And in my personal capacity, I have committed myself to welcoming the new generation of people seeking safety, as I am also a proud cofounder and organizer of Migrant Solidarity Mutual Aid, an organization of hundreds of volunteers and dozens of community organizations and faith institutions that came together in April 2022 to welcome asylum seekers arriving to the District of Columbia on buses sent by Texas Governor Abbott. Since our founding, we have welcomed thousands of people seeking safety in our community. In 2023 alone, over 1,800 adults and nearly 1,300 children came to access our free store located in a nearby church so newly arrived families could access supplies such as clothes, diapers, and shoes; our volunteers assisted with school enrollment for nearly 600 youth; our successful rent support program allowed us to jump-start new apartments for 50 families; and our furniture team obtained beds, couches, tables, chairs, and kitchen supplies for nearly 350 migrant families. Our medical programs have supported over 100 newly arrived children with their dental needs, over 80 adults and children with optometry care, and our perinatal support group has welcomed over 50 new babies to our community. We have led legal clinics to help hundreds of families apply for asylum, apply for Temporary Protected Status, and work permits. Over 50 children attended our summer camp programs last summer, and just this past weekend, our volunteers held a community baseball event with newly arrived youngsters in the community. Our vast volunteer network consists of people from all walks of life, who spend their free time showing a warm welcome to their new neighbors.

I have personally spent my weekends, early mornings, and evenings welcoming new arrivals off buses, helping new arrivals fill out immigration applications, sorting and distributing donations with my children, and delivering furniture and household goods to my new neighbors. And for the final weeks of 2023 and the first few weeks of 2024, my family and I provided shelter in our home for an asylum-seeking family from Venezuela who was left on the streets during the cold DC winter after being denied shelter by DC Mayor Bowser's Office of Migrant Services that had in place a 3-night shelter limit at the time for migrants. My two boys shared a room for a few weeks, while this beautiful 1-year old girl and her sweet parents stayed in our home, shared meals with us, and became an extension of our family until they were able to get an apartment of their own a few miles away. It is through this personal experience that I know the joys and the strength that welcoming people with dignity can bring to our communities. And it is in my capacity as the Director of Refugee and Migrant Rights at Amnesty International USA, that I also know that it is the United States obligation to do so under international human rights and refugee law.

As the number of people fleeing violence and persecution continues to grow, protecting the human rights of migrants, asylum seekers and refugees is of critical importance. The dangerous circumstances facing people fleeing persecution, and those forced by violence, economic

hardship and the climate crisis to journey across borders, continue to be one of the United States' most serious human rights concerns. Large numbers of migrants and refugees from across the world continue to make perilous journeys through Mexico in order to come to the United States to seek protection. As of the end of September 2023, over 114 million people were forcibly displaced worldwide.¹ In 2023, over 2.5 million asylum seekers and migrants entered the United States at the US-Mexico border.² The United States was the world's largest recipient of new asylum claims as of June 2023, with 540,600 new individual claims submitted.³ The majority of asylum claims were made by individuals from Latin America and the Caribbean, notably Venezuela, Cuba, Nicaragua, Colombia, Honduras and Haiti.⁴

Amnesty International has documented the conditions in these countries that force people to flee. In Venezuela, lack of access to economic and social rights is a serious concern, with the majority of the population experiencing severe food insecurity. Critics of President Maduro's government are arbitrarily detained, forcibly disappeared and tortured with the acquiescence of the judicial system. The UN Fact-Finding Mission on Venezuela exposed crimes against humanity, called for investigations into the state's repressive policies, and noted a lack of compliance with previous recommendations. Millions of Venezuelans have fled their country, and those who have been deported to the country have faced arbitrary arrest.

In Cuba, Amnesty International has documented how repression of dissent has led to activists, political opponents and journalists being harassed, persecuted and imprisoned. Cuba has faced an ongoing economic and humanitarian crisis resulting in shortages of food, fuel and electricity, while discrimination against minority groups is prevalent, affecting Afro-descendants, women and girls, LGBTQI people, and members of religious communities.

While in Haiti, decades of political instability, extreme poverty, natural disasters, the weakening of state institutions and the lack of real engagement from the international community, has left the population at risk of violence. The recent escalation of violence has reached alarming levels, with reports of dozens of deaths, kidnappings, sexual violence against women and girls, and the forced displacement of more than 35,000 people since the beginning of 2024.⁵

These situations demonstrate what are the drivers that force people to flee their homes, and the United States has both domestic and international obligations to provide access to territory and to individualized and fair assessments of all requests for protection by asylum seekers

¹ UNHRC Press Release, 25 October 2023, https://www.unhcr.org/us/news/press-releases/unhcr-forced-displacement-continues-grow-conflicts-escalate? gl=1*12bi9yz* rup ga*MTQxMDkyNjU3Ny4xNzE3OTU0OTgz* rup ga EVDQTJ4LMY*MTcxNzk1NDk4M y4xLjAuMTcxNzk1NDk4My42MC4wLjA, last accessed 9 June 2024.

² CBP, "Southwest Land Border Encounters", 22 March 2024, cbp.gov/newsroom/stats/southwest-land-border-encounters.

³ UNHCR, *Mid-Year Trends 2023* (previously cited), p. 2; DHS, "Refugees and Asylees Annual Flow Report", dhs.gov/ohss/topics/immigration/refugees-asylees-afr.

⁴ UNHCR, *Mid-Year Trends 2023* (previously cited), p. 24; UNHCR, *Global Trends – Forced Displacement in 2022*, 14 June 2023, [unhcr.org/global-trends-report-2022](https://www.unhcr.org/global-trends-report-2022), p. 30.

⁵ UN, *Haiti se encuentra al borde de una hambruna*, <https://news.un.org/es/story/2024/03/1528312>.

looking for safety at the border, in a way that does not discriminate based on migration status, including the manner of entry.⁶ According to the United Nations High Commissioner for Refugees (UNHCR), “access to a fair and efficient refugee status determination procedure is an essential element in the full and inclusive application of the 1951 Convention and its 1967 Protocol, and indeed a safeguard to protect refugees and asylum seekers from refoulement,” which is the forcible return of an individual to a country where they would be at risk of serious human rights violations (such as persecution or torture).⁷

In accordance with Title 8 of the US Code, any individual who is physically present in the United States or who arrives at the border must be given an opportunity to seek asylum.⁸ Nevertheless, in recent years, the United States has implemented a series of migration and asylum policies which have drastically limited access to asylum at the U.S.-Mexico border, resulting in irreparable harm to thousands of individuals seeking safety from persecution or serious human rights violations in their countries of origin.⁹ These include “metering”, the Migrant Protection Protocols (MPP), Title 42 and currently the Circumvention of Lawful Pathways Final Rule and President Biden’s latest executive proclamation and interim final rule.

Amnesty International released research last month on the human rights concerns raised by President Biden’s Circumvention of Lawful Pathways Final Rule and the CBP One Mobile application, particularly its mandatory use for people seeking asylum to schedule appointments to present themselves at U.S. ports of entry in order to present their asylum claims.¹⁰ The investigation, conducted by Amnesty International across various locations in Mexico and the U.S., involved interviews with hundreds of asylum seekers, service providers and local and international organizations. Amnesty International found that people seeking asylum experience challenges using the application due to an onerous registration process, technological errors and flaws and lack of knowledge about the application and how it works. Amnesty International also found that asylum seekers travelling through Mexico are extorted, kidnapped and experience discrimination and sexual and gender-based violence by both state and non-state actors. The majority stay in shelters or informal encampments with inadequate

⁶ UNHCR, *Advisory Opinion on the Extraterritorial Application of Non-Refoulement Obligations under the 1951 Convention relating to the Status of Refugees and its 1967 Protocol*, 26 January 2007, [unhcr.org/refworld/docid/45f17a1a.html](https://www.unhcr.org/refworld/docid/45f17a1a.html), para. 7; UNHCR, “Comments of the United Nations High Commissioner for Refugees on the Proposed Rule from the U.S. Department of Justice (Executive Office for Immigration Review) and the U.S. Department of Homeland Security (U.S. Citizenship and Immigration Services): “Circumvention of Lawful Pathways”, CIS No. 2736-22, DHS Docket No. USCIS 2022-0016, A.G. Order No. 5605-2023, 20 March 2023, [refworld.org/pdfid/6417e6674.pdf](https://www.refworld.org/pdfid/6417e6674.pdf), pp. 4-5; Amnesty International, *Mandatory Use of CBP One Application Violates the Right to Seek Asylum* (previously cited), pp. 7-9; Amnesty International, “They Did Not Treat Us Like People” (previously cited), p. 18.

⁷ UNHCR, “Comments of the UNHCR on the Proposed Rule from the U.S. Department of Justice” (previously cited), p. 3.

⁸ 8 U.S.C. § 1158(a); American Immigration Council, *Metering and Asylum Turnbacks*, March 2021, [americanimmigrationcouncil.org/sites/default/files/research/metering_and_asylum_turnbacks_0.pdf](https://www.americanimmigrationcouncil.org/sites/default/files/research/metering_and_asylum_turnbacks_0.pdf), p. 1.

⁹ Amnesty International, *Americas: Pushback Practices and their Impact on the Human Rights of Migrants and Refugees* (AMR 01/3658/2021) 8 February 2021, [amnesty.org/en/documents/amr01/3658/2021/en/](https://www.amnesty.org/en/documents/amr01/3658/2021/en/), p. 1.

¹⁰ Amnesty International, *CBP One – A Blessing or a Trap*, <https://www.amnestyusa.org/reports/cbp-one-a-blessing-or-a-trap/>

living conditions. People seeking asylum struggle to access healthcare, education and employment opportunities. There is no certainty as to when people seeking asylum will receive a CBP One appointment, which ends up leaving them exposed to violence and hardship for potentially long periods of time and pushes them to cross into the United States irregularly, due to a lack of alternatives.

Importantly, the last decade of deterrence policies has not stopped people from coming. Why? Because deterrence policies don't work. Instead, they force people to make more dangerous routes to come to the U.S. and fuel criminal actors in Mexico who have constantly adapted to U.S. border policies to exploit and endanger people seeking safety. As a response, border resources are instead spread thin across all areas of the border, rather than allowing people to ask for protection in a dignified, orderly fashion. In recent years, policies have forced people to wait in Mexico until they have an opportunity to come to the U.S., further exacerbating the targeting and violence against people seeking safety in Mexico, particularly Black and Indigenous people. The extortion and criminal targeting of migrants in Mexico at the border has had lasting effects even when people make it to their new communities in the United States. People are spending their last cent and tapping out the resources of their family and friend networks in order to survive in Mexico, so that once they arrive in the United States, they are more likely to arrive indigent.

Amnesty International has recommended time and time again that the United States must modernize and invest in capacity at ports of entry in order to allow people to walk up in a safe, orderly manner and be processed expeditiously. The United States must invest CBP's Office of Field Operations to capacitate and staff ports of entry along the border to quickly and effectively process people seeking safety without having to wait in Mexico or be denied access to ports and expand the number of appointment available in the CBP One mobile application. Amnesty encourages the U.S. to end policies that punish asylum seekers for their manner of entry and instead invest in programs so people can proceed with their asylum claims in communities supported by lawyers, social workers, and community.

Border walls, mass surveillance, and detention centers are billion-dollar industries that have profited from U.S. border policies while communities across the country are struggling to provide adequate housing, schooling, health, and care for their residents – both new arrivals and community members that have been here for generations. And yet, the lack of federal support for coordinated and comprehensive reception of asylum seekers is jeopardizing the viability of the entire U.S. asylum system— and the U.S.'s ability to uphold its obligations to protect people seeking safety regardless of their connections in the United States. It benefits nobody for asylum seekers to find themselves on the streets of our border communities and big cities with nowhere to go. Communities across the United States receiving newcomers could benefit from an orderly system of support.

Cities at the border and the interior of the United States, struggle under the weight of new arrivals not because of new arrivals are a burden, but because communities are left to build up reception systems largely without federal coordination. The situation in New York City was a

perfect storm of high numbers of new arrivals, exacerbated by Governor Abbott's busing program, and an arriving population of people seeking safety who did not already have family or community in the United States able to receive them. The United States' ability to provide protection for someone seeking safety should not depend on whether or not they have existing relationships in the United States who can provide for their socio-economic needs.

The sheltering of people seeking safety at Floyd Bennett Field was an example of where systems collapse when they fail to meet the needs of communities and of new arrivals. As New York City was struggling to respond to high numbers of new arrivals, there was a lack of focus on case management focused on resilience and financial independence, housing, and job programs to help get the new arrivals out of the shelters and into their new homes. Limited access to work permits and processing delays further exacerbated the issue by limiting new arrivals' ability to begin working and providing for their families. This led to the shelter population outpacing capacity in New York City, and the city finding far more remote and inaccessible places to shelter its new residents. In this instance, it is asylum seekers and New Yorkers bearing the brunt of the consequences of failed border policies.

Instead, a coordinated and funded welcome and reception system that meets the immediate and medium-term need of people seeking safety would cut the chaos and disfunction at the border and in big cities in the U.S., while state, local and tribal communities reap the windfall benefits of new federal funding avenues, spending power of new arrivals, and new tax revenue. Local governments and community organizations at the border have been working for years to build a welcoming infrastructure that eases capacity restraints on border agencies, prevents releases into the streets of border cities, educates new arrivals about their immigration responsibilities, and helps them stay off the streets and get connected to their friends, families, and new communities in the United States. And across the country, programs that provide people seeking safety with access to case management, legal assistance, and social services have been proven to be more cost effective than expensive detention programs, help people leave costly shelter systems and into homes of their own, and ensure people are able to comply with their immigration requirements. Further, new arrivals can meet the unmet needs of local economies, fill labor shortages, and greatly contribute to their new communities in ways that benefit all residents – both new and old.

A recent study by the U.S. Department of Health and Human Services found that from 2005 to 2019, resettled refugees and people granted asylum in the U.S. contributed billions more in federal, state, and local government revenues than they received in services.¹¹ Newly arrived immigrants can be a boon to local economies as economists have estimated that for every 1,000 newly arrived workers, initial state and local tax revenues are expected to increase by

¹¹ U.S. Department of Health and Human Services, *The Fiscal Impact of Refugees and Asylees at the Federal, State, and Local Levels from 2005 to 2019*, <https://aspe.hhs.gov/sites/default/files/documents/28fe4e756499bdab08b4e6cb3b952e22/aspe-report-refugee-fiscal-impact.pdf>

\$2.5 million.¹² After these immigrants have been there for about five years, this same model predicts that for each 1,000 workers annual wages to be \$32 million and state and local tax revenues would be \$3.6 million.¹³

Extensive evidence-based international research has demonstrated that case management programs, when appropriately implemented, are the most successful form of supporting people navigating the immigration process.¹⁴ And legal representation is a critical path to ensure immigrants show up to court and comply with its requirements, help new arrivals get immigration relief, and unburden the courts by speeding up processing.¹⁵

The path forward is a system of coordinated support services that can ease the pressure at the border and enable newcomers to contribute to the communities who receive them. Specifically, Congress should robustly fund the Shelter and Services Program that provides financial support to local governments and community organizations to offer immediate reception services to people seeking safety; expand the Case Management Pilot Program to provide a voluntary, case management program to people seeking safety; and establish and fund a Destination Reception Fund to send federal dollars to state, local, and tribal communities to establish and expand medium-term reception programs that promote self-sufficiency of newcomers and bolsters local capacity to ensure new and old community members have what they need to thrive. The United States should also direct a whole of government approach to welcome that includes a new White House position and a new DHS office to coordinate intra-agency and inter-governmental efforts to welcome people seeking safety. The U.S. can no longer do this in a piecemeal, uncoordinated fashion.

For too many years, Congress has poured billions of taxpayer dollars into immigration enforcement-only responses to people seeking safety that have failed to meet the needs of newcomers-- and has also left cities, counties, and community organizations to foot the bill -- and face the human consequences--of providing support in the resulting chaos. Coordinated support services are cheaper than expensive detention programs and help state, local, and tribal governments and nonprofits better balance their budgets and services between newcomers and long-term community members.

I would like to close with the story of Karla. Karla arrived to the United States from Venezuela with her husband and two children to seek safety, security, and a new life in October 2022. Karla arrived with no sponsors in the United States who could house her, but had some community already in Washington, DC. When Karla and her family arrived at an under-

¹² Immigration Research Initiative, *Economic Projections for Asylum Seekers and New Immigrants: U.S. and State-Level Data*, <https://immresearch.org/publications/economic-projections-for-asylum-seekers-and-new-immigrants-u-s-and-50-states/>

¹³ *Id.*

¹⁴ International Detention Coalition, *Gaining Ground: Promising Practice to Reduce and End Immigration Detention*, <https://idcoalition.org/wp-content/uploads/2022/05/Gaining-Ground-Report-2022.pdf>

¹⁵ Vera Institute of Justice, *The Case for Universal Representation*, <https://www.vera.org/advancing-universal-representation-toolkit/the-case-for-universal-representation-1>

resourced border town after being released from processing with the Department of Homeland Security, she had little choice but to take a free bus paid for by Texas Governor Greg Abbott to New York City. Upon arriving in New York, Karla and her family were greeted by city officials and nongovernmental organizations who received and fed her family, provided overnight accommodations, and assistance getting tickets to Washington, DC. With a more coordinated reception system, Karla could have gone straight to her destination community.

When Karla and her family arrived in Washington, DC, they were provided shelter in a single hotel room with no kitchen for a year - while Karla and her husband found under-the-table work until they could hire an attorney, file for asylum, and eventually get their work permits. Finally, after saving up more money and receiving rental assistance from Migrant Solidarity Mutual Aid, Karla's family was able to move out of the shelter and into their new apartment in October 2023. Karla benefitted from welcoming services both at the border and in New York City and says she could have moved out of the D.C. shelter sooner with earlier access to legal assistance, rental assistance, and case management aimed at resiliency. Karla, a licensed cosmetologist in Venezuela, has opened a cosmetology business in her new home and hopes to expand to be able to hire more workers and give back to her new community. This past April, Karla filed taxes for the first time in the United States and is putting her newly minted work permit to good use. She says that this is the first time that she's been able to pay rent and provide for her family, a dream come true for her, and she's grateful to this country for all that it has given her.

Newcomers don't damage our communities; they make them brighter and more vibrant and help our economies grow. Families across the United States are struggling to make ends meet while they see billions of their taxpayer dollars fuel policies at the border that have created heartbreaking humanitarian crises and chaos everywhere from small towns to big cities. Brave, resilient families and individuals are arriving at the U.S. southern border to exercise their right to seek safety and seek a new life where they follow their dreams and contribute to their new communities only to be thrust into a broken system that profits off their suffering. The United States is abandoning decades old international obligations to uphold the human right to seek asylum and not send people back to the very harms that they fled. Decades of Congressional inaction, pitting of communities against each other, and political mudslinging have failed to produce any solutions that work for communities – neither those who have called the United States home for generations or those arriving at our borders with dreams. Amnesty International USA encourages Congress to instead invest in solutions that uphold the safety and dignity of all our communities.

Thank you, again, to the subcommittee for the opportunity to testify.

Sincerely,

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