

Select US Immigration and Refugee Policy Resources

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Introduction

Over the last five years, the Center for Migration Studies of New York (CMS) has produced and published a series of reports, articles, and special collections of papers in its *Journal on Migration and Human Security (JMHS)* that are devoted to reform of US immigration and refugee protection policies. Each report and paper conclude with extensive policy recommendations – legislative, administrative, and programmatic – which are directed at federal, state, local and non-governmental organizations. The analysis and recommendations set forth in these papers can serve as a valuable resource to public officials, policy influencers, advocates, activists, academics, students, and others that support more effective, inclusive, and rights-respecting immigration and refugee policies. The *JMHS* special collections cover [the US immigration system](#), the [US immigration enforcement system](#), [the US refugee protection system](#), and restoring due process and the rule of law to the US [removal adjudication system](#). These collections also include articles that digest and [analyze](#) the refugee and asylum provisions of [comprehensive bills](#). Many of the papers profile particular populations of US noncitizens, illustrating their long tenure, family and work ties, and other contributions to US society. Other papers analyze and critique government enforcement, protection, and immigration programs. A brief, thematically-grouped summary of the reports and papers follows. CMS has also built a webpage that tracks [Biden](#) era immigration and refugee protection developments.

Administrative Action and the Biden Administration

“Improving the US Immigration System in the First Year of the Biden Administration” (T. Alexander Aleinikoff, Donald Kerwin). This report by CMS and the Zolberg Institute on Migration and Mobility outlines 39 administrative actions on immigration and refugee protection that the Biden administration should take in its first year. These actions fall into the following categories: refugee policy, asylum, travel bans, legal immigration, DACA, detention, border enforcement and accountability, interior enforcement, criminal prosecutions, legal access and representation, adjudication backlog, COVID-19-related policies, and segregation of responsibilities within the Department of Homeland Security.

<https://cmsny.org/publications/immigration-recommendations-biden/>

National Interests and Immigration Reform

“Moving Beyond Comprehensive Immigration Reform and Trump: Principles, Interests, and Policies to Guide Long-Term Reform of the US Immigration System” (Donad Kerwin). This paper introduces a special collection of papers that chart a course for long-term reform of the US immigration system. The papers outline the elements of a forward-looking immigration policy that would serve the nation's interests, honor its liberal democratic ideals, promote the full participation of immigrants in the nation's life, and exploit the opportunities offered by the increasingly interdependent world. This paper highlights overarching themes from the collection, as well as dozens of proposals for reform.

<https://journals.sagepub.com/doi/abs/10.1177/233150241700500301>

“National Interests and Common Ground in the US Immigration Debate: How to Legalize the US Immigration System and Permanently Reduce its Undocumented Population” (Donald Kerwin, Robert Warren). This paper identifies potential common ground in the US immigration reform debate, including the interests and values that undergird US immigration and refugee laws. It describes how the US

immigration system can be reformed to permanently reduce the US undocumented population.

<https://journals.sagepub.com/doi/pdf/10.1177/233150241700500205>

“Creating Cohesive, Coherent Immigration Policy” (Pia Orrenius, Madeline Zavodny). This paper argues for coherent policy reform. It examines three areas in which US immigration policies work at cross purposes. First, US policies towards unauthorized immigrants have fueled additional unauthorized immigration and created perverse incentives to remain unauthorized. Second, US temporary visa programs are not aligned with permanent visa programs. Third, some US humanitarian programs, particularly its refugee program, lead to dangerous, irregular migration.

<https://journals.sagepub.com/doi/pdf/10.1177/233150241700500109>

“Beyond DAPA and DACA: Revisiting Legislative Reform in Light of Long-Term Trends in Unauthorized Immigration to the United States” (Robert Warren, Donald Kerwin). Substantial declines in the US unauthorized population can only be achieved through reform of the US legal immigration system, a legalization program, and a more effective response to nonimmigrant visa overstays.

<https://journals.sagepub.com/doi/abs/10.1177/233150241500300104>

Citizenship and Immigrant Integration

“Putting Americans First: A Statistical Case for Encouraging Rather than Impeding and Devaluing US Citizenship” (Donald Kerwin, Robert Warren). This study juxtaposes Trump-era policies that seek to block permanent residence and naturalization, with data on how a generous path to permanent residency and citizenship benefits immigrants, families and communities. Naturalized citizens enjoy the same or higher levels of education, employment, work in skilled occupations, personal income, and percentage above the poverty level, as the native-born population. The US immigration system, which prioritizes family-based immigration, yields a legal foreign-born population that has occupational skills equal to those of the native-born. <https://journals.sagepub.com/doi/10.1177/2331502419894286> . A more recent CMS study by Vicky Virgin and Robert Warren found lack of legal status to be a strong determinant of immigrants' health in New York City. <https://cmsny.org/publications/health-determinants-brooklyn-queens/>

“The US Eligible-to-Naturalize Population: Detailed Social and Economic Characteristics” (Robert Warren, Donald Kerwin). Naturalization is a crucial step in the full integration of immigrants into US society. This paper offers detailed estimates of the naturalization-eligible that would allow the federal government, states, localities, and NGOs to develop targeted strategies to assist this population and to overcome barriers to eligibility. <https://journals.sagepub.com/doi/pdf/10.1177/233150241500300401>

“Working Together: Building Successful Policy and Program Partnerships for Immigrant Integration” (Els de Graauw, Irene Bloemraad). This paper argues in favor of a vertically integrated, “horizontally applied” national integration infrastructure, which draws on the work of CBOs, and the support of philanthropy, business, education, and faith-based institutions. It calls for integration from the bottom up. <https://cmsny.org/publications/jmhs-working-together/>

Migration Management and Governance

“Immigration Governance for the Twenty-First Century” (Ruth Ellen Wasem). This paper examines the administration of immigration law and policy, offering an historical overview, breaking down the missions and functions of the Immigration and Nationality Act by lead agency, and outlining a four-tiered system for the future.

<https://journals.sagepub.com/doi/abs/10.1177/233150241800600105>

“Moving Away from Crisis Management: How the United States Can Strengthen Its Response to Large-Scale Migration Flows” (Rená Cutlip-Mason). The paper – by a former DHS and DOJ official – discusses how the US immigration system can better address large-scale migration, using Central American migration from 2011-2016 as its reference point. It recommends:

- The creation of a non-adversarial asylum system for all asylum seekers.
- The establishment of a robust in-country refugee processing program.
- Comprehensive government training to address the special needs of child migrants.
- The elimination of family detention.
- Expanded alternatives to detention.
- Reform of the immigration court system.
- Creation of a central position to coordinate US immigration policies.

<https://cmsny.org/publications/cutlip-mason-crisis-management/>

Family-Based Immigration

“US Immigration Policy and the Case for Family Unity” (Zoya Gubernskaya, Joanna Dreby). This paper argues that family unity should remain a centerpiece of US immigration policies, given its critical role in promoting immigrant integration, social and economic well-being, and intergenerational mobility. It also highlights the many ways that US immigration policies separate and undermine families, and proposes changes to current policy and practice.

<https://journals.sagepub.com/doi/pdf/10.1177/233150241700500210>

“Separated Families: Barriers to Family Reunification After Deportation” (Deborah A. Boehm). This paper outlines the difficulties of keeping families together in the aftermath of the deportation of a family member. It argues that existing laws do not adequately address family life and have created a humanitarian crisis within and beyond US borders. It recommends immigration policy reform and restructuring administrative processes that directly impact those who have been deported and their family members. <https://journals.sagepub.com/doi/pdf/10.1177/233150241700500209>

“Fixing What’s Most Broken in the US Immigration System: A Profile of the Family Members of US Citizens and Lawful Permanent Residents Mired in Multiyear Backlogs” (Donald Kerwin, Robert Warren). This study profiles 1.55 million US residents in family-based visa backlogs, finding that: (1) 59 percent have lived in US for 10 years or more, and 23 percent for at least 20 years; (2) 72 percent aged 16 and older are in the labor force, and 68 percent are employed; (3) their median household income is \$63,000; and (4) 32 percent live in mortgaged homes. The paper offers legislative and administrative proposals to expedite family-based immigration and reduce backlogs.

<https://journals.sagepub.com/doi/10.1177/2331502419852925>

“Redefining American Families: The Disparate Effects of IIRIRA’s Automatic Bars to Reentry and Sponsorship Requirements on Mixed-Citizenship Couples” (Jane Lilly López). The three- and 10-year bars to reentry, and the minimum income thresholds for citizen sponsors of immigrants have created a

hierarchy of mixed-citizenship families, enabling some to access all the citizenship benefits of family preservation and reunification, while excluding other, similar families from those same benefits. These policy changes have altered the composition of American society and modified broader notions of American national identity and who truly “belongs.” <https://cmsny.org/publications/jmhs-redefining-american-families/>

US Residents without Immigration Status

[“In 2019, the US Undocumented Population Continued a Decade-Long Decline and the Foreign-Born Population Neared Zero Growth” \(Robert Warren\)](#). This paper estimates that the US undocumented population fell to 10.35 million in 2019. It finds that return migration to Mexico has been the primary determinant of population change in the undocumented population in the past decade, contributing to near-zero growth in the total foreign-born population. While undocumented populations from Central America and Asia increased at the same rate from 2010 to 2016, after 2016 the population from Asia stopped growing and the population from Central America increased by about 200,000. In addition, it reports that annual arrival and departure data for Mexicans show that the US Senate–passed comprehensive immigration reform bill in 2013, which provided for a large legalization program, did not lead to an increase undocumented immigration. <https://doi.org/10.1177/2311502421993746>.

[“Reverse Migration to Mexico Led to US Undocumented Population Decline: 2010 to 2018” \(Robert Warren\)](#). The US undocumented population fell to 10.6 million in 2018, primarily driven by the return of undocumented residents to Mexico. From 2010 to 2018, 2.6 million Mexican nationals left the US undocumented population, including 1.1 million who returned voluntarily. Between 2010 and 2018, the undocumented population fell by 1.2 million or 10 percent, and the Mexican undocumented population declined by 23 percent. Over the same period, two-thirds of new arrivals into the undocumented population overstayed temporary visas, and the number of US undocumented residents from Venezuela increased from 65,000 to 172,000. <https://journals.sagepub.com/doi/10.1177/2331502420906125> For more on these trends, see **[“US Undocumented Population Continued to Fall from 2016 to 2017 and Visa Overstays Significantly Exceeded Illegal Crossings for the Seventh Consecutive Year”](#)** and **[“Zero Undocumented Population Growth Is Here to Stay and Immigration Reform Would Preserve and Extend These Gains.”](#)**

[“Overstays Exceeded Illegal Border Crossers after 2010 Because Illegal Entries Dropped to Their Lowest Level in Decades” \(Robert Warren\)](#). The number of visa overstays has not spiked, but has remained in the 200,000 to 400,000 range since 2000. However, because of the overall decrease in illegal border crossing, overstays have contributed roughly two-thirds of newly undocumented residents in recent years. However, overstays may not represent as significant an enforcement challenge as these numbers indicate as many voluntarily leave the undocumented population through emigration and adjustment to LPR status. <https://cmsny.org/publications/essay-warren-042419/>

DACA Recipients and DREAM Act-Eligible

[“DACA and the Supreme Court: How We Got to This Point, a Statistical Profile of Who Is Affected, and What the Future May Hold for DACA Beneficiaries” \(Daniela Alulema\)](#). This study on DACA recipients finds that:

- 65 percent is between the ages of 21 and 30;
- 81 percent has lived in the US more than 15 years;

- Six percent is married to a US citizen, 4 percent to an LPR, and 13 percent to an undocumented immigrant;
- Among US-born children younger than 18 years, 346,455 have at least one DACA parent;
- 55 percent of DACA recipients graduated from high school, 36 percent has some college education, and 7 percent has a bachelor's degree or higher;
- 95 percent is employed. <https://journals.sagepub.com/doi/pdf/10.1177/2331502419893674>

“DREAM Act Eligible Poised to Build on Investments Made in Them” (Donald Kerwin, Robert Warren).

This paper outlines the results of a study of young immigrants who would qualify for status under the DREAM Act. The study paints a portrait of a highly productive, integrated group of young Americans, who are deeply committed to the United States and poised to make — with status and time — even more substantial contributions to the communities that have invested in them. These investments include \$150 billion that states and localities have spent on the education of this population.

<https://journals.sagepub.com/doi/10.1177/233150241800600103>

“Potential Beneficiaries of the Obama Administration’s Executive Action Programs Deeply Embedded in US Society” (Donald Kerwin, Robert Warren).

This paper offers a statistical portrait of the intended direct beneficiaries of the DACA-plus and DAPA programs. It finds they are deeply embedded in US society, with high employment rates, extensive US family ties, long tenure, and substantial rates of English-language proficiency. The paper also describes the groups that would benefit indirectly from the implementation of DAPA and DACA, and (conversely) would suffer from the removal of potential beneficiaries of these programs. <https://cmsny.org/publications/jmhs-potential-beneficiaries-of-daca-dapa/>

“The DACA Era and the Continuous Legalization Work of the US Immigrant-Serving Community” (Donald Kerwin, Roberto Suro, Tess Thorman, Daniela Alulema).

This comprehensive study of implementation of the DACA program calls for significantly increased investment in the multi-faceted work of the immigrant-serving community in order to legalize immigrants in the only way available to them at present, and to respond to the administration’s immigration and refugee policies.

<https://cmsny.org/wp-content/uploads/2017/02/CMS-Legalization-Report-FINAL.pdf>

The US Refugee Resettlement Program and Statelessness in the US

“Charting a Course to Rebuild and Strengthen the US Refugee Admissions Program (USRAP): Findings and Recommendations from the Center for Migration Studies Refugee Resettlement Survey: 2020” (Donald Kerwin, Mike Nicholson).

This exhaustive report by CMS and Refugee Council USA is based on a nationwide survey of stakeholders in the US refugee resettlement program and three, multi-day listening sessions. Overall, it finds that the US resettlement program serves important purposes, enjoys extensive community support, and offers a variety of effective services that mostly align with the needs of refugees. The report also sets forth dozens of specific findings, detailed recommendations, and 26 charts. <https://journals.sagepub.com/doi/full/10.1177/2331502420985043>

“How President Biden Can Make His Commitment to Refugees a Reality” (Susan Martin). This essay argues that to rebuild the US refugee protection system will require the Biden administration to “reframe the discourse on refugee resettlement to emphasize its central importance to the nation’s identity and the way it serves the national interest;” to restore and strengthen the US community-based resettlement infrastructure; to strengthen the nation’s relationships with international organizations,

particularly the United Nations High Commissioner for Refugees, and to join the [Global Compact on Refugees](https://cmsny.org/publications/biden-refugees-martin-021921/). <https://cmsny.org/publications/biden-refugees-martin-021921/>

“Rebuilding the US Refugee Resettlement Program” (Susan Martin). This paper offers an historic review of the US refugee resettlement program, and proposes ways that a new administration can rebuild this program and put it on more secure footing. It recommends that a new administration: (1) reframe the discourse on refugee resettlement; (2) rebuild the capacity of the federal government to administer this program and its community-based infrastructure; (3) hold emergency consultations with Congress to increase refugee admissions in FY 2021; (4) plan for a robust admissions ceiling and budget in FY 2022; (5) reform and reinvigorate federal consultations with states and localities; (6) attempt to depoliticize the program by setting a “normal flow level” that does not require an annual Presidential determination; and (7) join the Global Compact on Refugees.

<https://cmsny.org/publications/rebuilding-the-us-refugee-resettlement-program/>

“The US Refugee Resettlement Program: A Return to First Principles” (Donald Kerwin). This groundbreaking study describes the achievements, contributions, and integration of 1.1 million refugees resettled in the US from 1987 to 2016. It finds that over time refugees become US citizens, homeowners, English speakers, workers, business owners, college-educated, insured, and computer literate at high rates. <https://journals.sagepub.com/doi/10.1177/2331502418787787>

“Unfulfilled Promises, Future Possibilities: The Refugee Resettlement System in the United States” (Anastasia Brown and Todd Scribner). The US refugee resettlement program suffers from a lack of adequate financial support for transitional assistance and integration services, gaps in coordination and information sharing among participating agencies, and a backlash against the program in certain receiving communities. This 2014 paper highlights specific improvements that would address these issues and would strengthen the US resettlement system.

<https://journals.sagepub.com/doi/pdf/10.1177/233150241400200203>

“You are Not Welcome Here Anymore: Restoring Support for Refugee Resettlement in the Age of Trump” (Todd Scribner). This paper analyzes the restrictionist logic that informs the Trump administration’s worldview, and the cultural, philosophical, and political conditions that have inspired support for Trump by millions of Americans. It contends that the Clash of Civilizations paradigm is a useful lens to help understand the positions that the president has taken on international affairs, and his approach to refugee and migration policy. It argues that advocates for more generous policies should emphasize cultural and personal formation, and that lobbying efforts and grassroots mobilization in favor of specific legislation and policies should take a secondary place in their agendas.

<https://journals.sagepub.com/doi/pdf/10.1177/233150241700500203>

“How Robust Refugee Protection Policies Can Strengthen Human and National Security” (Donald Kerwin). This paper makes the case that refugee protection and national security should be viewed as complementary, not conflicting goals. It identifies strategies that would promote both security and refugee protection. <https://cmsny.org/publications/jmhs-refugee-protection-security/>

“Statelessness in the United States” (Donald Kerwin, Daniela Alulema, Michael Nicholson, Robert Warren). This groundbreaking study provides estimates and profiles – based on American Community Survey data – of US residents who are potentially stateless or at risk of statelessness. It also offers a series of recommendations to prevent and reduce statelessness in the United States, including the

creation of a designated path to legal status for stateless persons.

<https://cmsny.org/publications/stateless-in-the-united-states/>

Asylum and Temporary Protection

“More than a Wall: The Rise and Fall of US Asylum and Refugee Policy” (Ruth Ellen Wasem). This article draws on historical sources, refugee and asylum admissions data, legislative provisions, and public opinion data to track the rise and fall of the US asylum and refugee policy. It shows that there has always been a political struggle between advocates for and opponents of a generous refugee and asylum system. It concludes that the flexible system of protecting refugees and asylees, established in 1980, is giving way to policies that weaponize them. <https://cmsny.org/publications/more-than-a-wall-the-rise-and-fall-of-us-asylum-and-refugee-policy/>

“The US Refugee Protection System on the 35th Anniversary of the Refugee Act of 1980” (Donald Kerwin). This paper outlines policy recommendations to strengthen the US refugee protection system drawn from a special *JMHS* collection to commemorate the 35th anniversary of the Refugee Act of 1980. <https://cmsny.org/publications/jmhs-us-refugee-protection-system/>

“How the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 Has Undermined US Refugee Protection Obligations and Wasted Government Resources” (Eleanor Acer and Olga Byrne). The Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA) created new barriers to asylum, including a one-year filing deadline on asylum applications, summary deportation procedures, and broad mandatory detention provisions. The paper highlights the rights violations and systemic inefficiencies caused by IIRIRA. It calls on the US government to eliminate these barriers and to take steps to ensure access to US asylum system. <https://cmsny.org/publications/illegal-immigration-reform-immigrant-responsibility-act-1996-undermined-us-refugee-protection-obligations-wasted-government-resources/>

“An Overview and Critique of US Immigration and Asylum Policies in the Trump Era” (Paul Schmidt). Former BIA Chair, Immigration Judge and INS General Counsel Paul Schmidt provides an extensive critique of the Trump administration’s attacks on the US asylum system, and offers short- and long-term reform proposals. <https://cmsny.org/publications/jmhs-schmidt-081419/>

“Deterrence Without Protection of Asylum Seekers” (Susan Martin). On July 16, 2019, the Trump Administration issued a rule that would bar consideration of asylum applications from those who transit through countries (other than their own) before attempting to cross the US southern border. The paper argues against this rule, stating that the “ineptitude of the administration in managing the asylum system has created this crisis ... not the asylum process itself.” It outlines policy recommendations that would better address this most recent protection challenge. <https://cmsny.org/martin-7-24-19/>

“Problems Faced by Mexican Asylum Seekers in the United States” (J. Anna Cabot). Despite abundant evidence of violence and human rights abuses in Mexico, Mexican nationals face numerous barriers to sustaining asylum claims, including detention, evidentiary issues, narrow legal standards, and what amounts to judicial notice of country conditions in Mexico. The paper proposes that asylum seekers at the US-Mexico border be placed in affirmative proceedings (before USCIS officials). It also proposes increased oversight of immigration judges.

<https://journals.sagepub.com/doi/10.1177/233150241400200405>

“Creating a More Responsive and Seamless Refugee Protection Program” (Donald Kerwin). This paper identifies gaps in US temporary protection programs, both for those seeking admission and those residing in the US. Among other proposals, it recommends that Congress create a non-immigrant “protection” visa for those at substantial risk of persecution, danger, or harm in their home or host countries. <https://journals.sagepub.com/doi/10.1177/233150241400200104>

“What’s Wrong with Temporary Protected Status and How to Fix It: Exploring a Complementary Protection Regime” (Bill Frelick). This paper evaluates the purpose and effectiveness of the TPS statute and identifies inadequacies in the TPS regime and related protection gaps in the US asylum system. It argues that TPS has not proven to be an effective mechanism to protect foreigners from generalized conditions of danger in their home countries. It calls for changing the US protection regime to make it more responsive to the risks many asylum seekers face by creating a broader “complementary protection” standard and a more effective procedure for assessing individual protection claims, while reserving “temporary protection” for rare situations of mass influx that overwhelm the government’s capacity to process individual asylum claims.

<https://journals.sagepub.com/doi/full/10.1177/2331502419901266>

“Temporary Protected Status After 25 Years” (Claire Bergeron). This paper considers administrative and legislative fixes to align the TPS program with the goal of providing temporary protection to persons who do not meet the refugee definition, while ensuring that long-term US immigrants are fully able to integrate. It supports: (1) Amending the US definition of a “refugee” to enable more would-be TPS beneficiaries to qualify for asylum; and (2) Creating a new form of subsidiary protection for individuals who cannot return home but do not meet the refugee definition. <https://journals.sagepub.com/doi/10.1177/233150241400200103>.

“A Statistical and Demographic Profile of the US Temporary Protected Status Populations from El Salvador, Honduras, and Haiti.” This report provides detailed statistical information on Temporary Protected Status (TPS) populations from El Salvador, Honduras, and Haiti. It reveals hardworking populations with long tenure, high rates of employment, and strong family ties in the US, including large numbers of US citizen children. It argues for a designated path to legal status for long-term TPS recipients. <https://journals.sagepub.com/doi/10.1177/233150241700500302>

Central American Migration and Policy Responses

“A Study and Analysis of the Treatment of Mexican Unaccompanied Minors by Customs and Border Protection” (Kiera Coulter, Samantha Sabo, Daniel Martínez, Katelyn Chisholm, Kelsey Gonzalez, Sonia Bass, Edrick Villalobos, Diego Garcia, Taylor Levy, Jeremy Slack). Human rights abuses and due process violations of unaccompanied alien children (UAC) by US Customs and Border Protection (CBP) agents have contributed to a mounting humanitarian crisis along the US–Mexico border. The treatment of UAC is governed by standards set forth in the *Flores* Settlement, the Trafficking Victims Protection Reauthorization Act (TVPRA), and CBP procedures and directives. However, CBP has repeatedly violated these legal standards and policies. This study finds that Mexican UAC are detained in subpar conditions, are routinely not screened for fear of return to their home countries or for human trafficking, and are not sufficiently informed about the deportation process. It proposes that CBP take immediate steps to improve the treatment of UAC; that CBP and other entities responsible for the care of UAC be monitored to ensure their compliance with US law and policy; and that Mexican UAC be afforded the

same protections under the TVPRA as UAC from noncontiguous states.

<https://cmsny.org/publications/jmhs-coulter-042220/>

“The Mixed Motives of Unaccompanied Child Migrants from Central America’s Northern Triangle”

(Matthew Lorenzen). This paper examines the mixed-motive migration of unaccompanied minors from Central America’s Northern Triangle states (Guatemala, Honduras, and El Salvador). Using data from a 2016 survey carried out in 10 shelters for unaccompanied child migrants, the paper finds that:

- One-third of the child migrants surveyed had mixed motives, including both forced and voluntary reasons for migrating;
- Violence appears most often as a reason for migrating among minors with mixed motives, as opposed to the search for better opportunities, which appears more often as an exclusive motive. <https://journals.sagepub.com/doi/abs/10.1177/233150241700500402>

“Seeking a Rational Approach to a Regional Refugee Crisis” (Karen Musalo, Eunice Lee).

This paper focuses on the large-scale migration of Central American women and children to the United States in 2014, and offers recommendations that address the reasons driving their flight and that furthers sustainable solutions to their situation, consistent with US and international legal obligations and moral principles. <https://cmsny.org/publications/jmhs-seeking-rational-approach-regional-refugee-crisis/>.

“They Need to Give Us a Voice” (Susan Schmidt). This paper analyzes the responses of Central American and Mexican migrant children on “how to help youth like themselves.” Based on their responses, it recommends integrated approaches to the economic, security, and education problems in their home countries. <https://cmsny.org/publications/jmhs-give-us-a-voice/>

“Children’s Migration to the United States from Mexico and Central America: Evidence from the Mexican and Latin American Migration Projects” (Katharine M. Donato, Blake Sisk).

This article shows a strong link between the likelihood that a child will migrate to the US and parents who have previously migrated. It supports the idea that children are incorporated into the migration process through their ties to family members, and recommends that children be protected through family reunification processes. <https://cmsny.org/publications/jmhs-childrens-migration/>

“The Central American Humanitarian Crisis: US Policy Responses” (Kevin Appleby, Leonir Chiarello, Donald Kerwin).

This short report – based on a 2016 fact-finding mission – examines the impact of US-Mexico policies of deterrence and interdiction on Central American migrants, particularly children and women. It ends with a series of recommendations on how the US should respond to this humanitarian crisis. <https://cmsny.org/publications/the-central-american-humanitarian-crisis-and-us-policy-responses/>

“Humanitarian Protection for Children Fleeing Gang-Based Violence in the Americas” (Elizabeth Carlson, Anna Marie Gallagher).

This paper offers recommendations to increase protections of unaccompanied migrant children, and to bring US law and policy into compliance with international law. <https://journals.sagepub.com/doi/pdf/10.1177/233150241500300202>

US Enforcement Policies, Tactics and Consequences

“From IIRIRA to Trump: Connecting the Dots to the Current US Immigration Policy Crisis” (Donald Kerwin). This paper draws from a special collection of papers on how the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA) transformed the US immigration system and laid the groundwork for Trump-era policies. It ends with extensive recommendations on detention, asylum, federal/local cooperation on immigration enforcement, admissions bars, and other issues. <https://journals.sagepub.com/doi/10.1177/2331502418786718>

“The Promise of a Subject-Centered Approach to Understanding Immigration Noncompliance” (Emily Ryo). US policymakers and public officials rarely, if ever, analyze how the subjects of immigration enforcement, including undocumented residents, view noncompliance with US laws. Yet a “subject-centered” approach to enforcement holds promise for crafting more effective and humane enforcement policies. <https://cmsny.org/publications/jmhs-immigration-noncompliance/>

“Communities in Crisis: Interior Removals and their Human Consequences” (Donald Kerwin, Daniela Alulema, Mike Nicholson). This bi-national study by CMS and the Kino Border Initiative examines the effects of deportation on deportees, their families, and their communities. It found that: (1) deportees/interviewees had established longstanding and strong ties in the US, including economic and family ties, 2) deportation impoverished and divided families, 3) most deportees planned to return to the United States, and 4) the US deportation system treated deportees as criminals and sought to instill fear in immigrant communities. It proposes that detention be only used as a “last resort”; ICE funding be reduced; and collaboration between local police and ICE and CBP be limited. <https://journals.sagepub.com/doi/10.1177/2331502418820066>

“Mass Deportations Would Impoverish US Families and Create Immense Social Costs” (Robert Warren, Donald Kerwin). This paper provides a statistical portrait of the US undocumented population, with an emphasis on the social and economic condition of mixed-status households. It finds that a mass deportation policy would plunge millions of US families into poverty, lead to costs of \$118 billion to care for the US-citizen children (during their minority) of deported parents, imperil the housing market, and reduce GDP. <https://cmsny.org/publications/mass-deportations-impoverish-us-families-create-immense-costs/>

“The Effects of Immigration Enforcement on Faith-Based Organizations: An Analysis of the FEER Survey” (Donald Kerwin, Mike Nicholson). This survey reveals that fear of immigration enforcement policies represents a barrier to immigrants accessing and participating in Catholic charitable programs and ministries, and an impediment to the Catholic Church realizing its mission to serve poor and marginalized. <https://journals.sagepub.com/doi/pdf/10.1177/2331502419854103>

“Local Immigration Enforcement and Arrests of the Hispanic Population” (Michael Coon). This important study concludes that implementation of a 287(g) agreement by the Frederick County (Maryland) sheriff’s office led to racial and ethnic profiling of Hispanics, and led Hispanics to avoid interaction with law enforcement, confirming two major public safety concerns. <https://doi.org/10.1177/233150241700500305>.

“Making Immigrants into Criminals: Legal Processes of Criminalization in the Post-IIRIRA Era” (Leisy Abrego, Mat Coleman, Daniel E. Martínez, Cecilia Menjivar, Jeremy Slack). This paper explores the causes and consequences of the criminalization of immigrants. It documents how criminalization turns individuals and communities into law enforcement objects, and details how immigrants experience this

phenomenon in their family, school, and work lives.

<https://journals.sagepub.com/doi/10.1177/233150241700500308>.

Border Enforcement

“Border Enforcement Developments Since 1993 and How to Change CBP” (Daniel E. Martínez, Josiah Heyman, and Jeremy Slack). This paper traces major developments in border enforcement to three notable initiatives: the “prevention-through-deterrence” strategy, the aftermath of the 9/11 terrorist attacks, and the Department of Homeland Security (DHS) Consequence Delivery System, initiated in 2011. Despite the massive buildup in enforcement, CBP has operated with little transparency and accountability. The paper provides an overview of findings by nongovernmental organizations and social scientists regarding migrant mistreatment while in CBP custody. It then highlights important shifts in migration patterns over the past decade, as well as changes in border enforcement efforts during the Trump administration. It discusses how these transformations affect migrants’ everyday encounters with CBP officials. The paper concludes by providing specific recommendations for improving CBP conduct. <https://cmsny.org/publications/border-enforcement-developments-since-1993-and-how-to-change-cbp/>

“‘Enemy Territory’: Immigration Enforcement in the US-Mexico Borderlands” (Walter A. Ewing). A first step in overcoming the deficiencies of this border enforcement strategy is to strengthen accountability within the Border Patrol, so that allegations of excessive force and abuse are investigated and adjudicated promptly and appropriately. The culture of the Border Patrol must be transformed to foster respect for rights. More broadly, the mission of the Border Patrol should be to capture dangerous individuals and to disrupt the operations of the transnational criminal organizations that traffic people, drugs, guns, and money. In addition, providing more pathways to legal entry through immigration reform would enhance border security by attenuating the flow of unauthorized immigrants within which dangerous criminals or terrorists can hide. Finally, the US government should pursue economic policies to promote development in Mexico and Central American countries in order to address the underlying causes of migration. <https://journals.sagepub.com/doi/abs/10.1177/233150241400200303>

“Is Border Enforcement Effective? What We Know and What It Means” (Edward Alden). Deterrence-through-enforcement is producing diminishing returns for three reasons:

- Arrivals at the border are increasingly made up of asylum seekers from Central America who are harder to deter and not appropriate to deter;
- Most new additions to the US unauthorized population are now visa overstays;
- A growing percentage of repeat border crossers are parents with children left behind in the US, another population that is hard to deter.

<https://journals.sagepub.com/doi/pdf/10.1177/233150241700500213>

“Does the United States Need to Invest More in Border Enforcement?” (Donald Kerwin). This paper details the extraordinary US investments in border enforcement. It acknowledges the need for more staffing and better infrastructure at ports of entry, where large quantities of illegal narcotics enter the country and illegal firearms and drug proceeds leave it. However, it argues that enforcement funding would be better spent in responding to the conditions that drive Central American, Venezuelan and other migrants, to enhance legal pathways to protection for forced migrants, and to create a strong, well-resourced US asylum system. <https://cmsny.org/publications/essay-kerwin-warren-051619/>

“The 2,000 Mile Wall in Search of a Purpose: Since 2007 Visa Overstays have Outnumbered Undocumented Border Crossers by a Half Million” (Robert Warren and Donald Kerwin). The fact that visa overstays have been the main source of newly undocumented immigrants over many years obviates the need for a border wall. <https://doi.org/10.1177/233150241700500107>

“Sharp Multiyear Decline in Undocumented Immigration Suggests Progress at US-Mexico Border, Not a National Emergency” (Robert Warren). The decline in the US undocumented population since 2010, spurred by falling numbers of new arrivals to this population, evidences progress in border enforcement, not a national emergency. <https://cmsny.org/publications/essay-warren-022719/>

“In Harm’s Way: Family Separation, Immigration Enforcement Programs and Security on the US-Mexico Border” (Jeremy Slack, Daniel E. Martínez, Scott Whiteford, Emily Peiffer). Based on a survey of 1,100 deported migrants in Mexico, this paper concludes that US enforcement programs which seek to increase the penalties associated with unauthorized migration and to deter illegal entries do not, in fact, have a strong deterrent effect. However, US border enforcement practices have led to longer stays in the US, the development of strong family and social ties in the US and greater resolve to return post-deportation, particularly by migrants with homes and families in the US. <https://cmsny.org/publications/jmhs-in-harms-way/>

“Blockading Asylum Seekers at Ports of Entry at the US-Mexico Border Puts Them at Increased Risk of Exploitation, Violence, and Death” (Josiah Heyman, Jeremy Slack). This paper outlines the many US policies designed to deny migrants access to its asylum system, and focuses on one of them – turning away asylum-seekers at ports-of-entry, before they can cross the US boundary line, and stranding them in Mexico. These migrants face extraordinary danger, including the risk of homicide, disappearance, kidnapping, trafficking, extortion, robbery, and sexual assault. The paper calls for the abandonment of this policy. <https://cmsny.org/publications/heyman-slack-asylum-poe/>

“Why Border Patrol Agents and CBP Officers Should Not Serve as Asylum Officers” (Josiah Heyman, Jeremy Slack, Daniel E. Martínez). Border Patrol agents may be uniquely ill-suited to act as asylum officers given their lack of relevant training and well-documented history of prejudice against and abuse of migrants. <https://cmsny.org/publications/heyman-slack-martinez-062119/>

“Bodily Inertia and the Weaponization of the Sonoran Desert in US Boundary Enforcement” (Geoffrey Alan Boyce, Samuel N. Chambers, Sarah Launius). US prevention-through-deterrence border policies and Border Patrol vandalism of humanitarian aid maximize the physiological harm to migrants and help to explain the increase in migrant mortality rate over time. <https://journals.sagepub.com/doi/10.1177/2331502419825610>

“Immigration Authorities Systematically Deny Medical Care for Migrants Who Speak Indigenous Languages” (Jeremy Slack, Daniel E. Martínez, Josiah Heyman). A survey of 1,109 recently deported Mexican migrants found that 23 percent said that they needed medical attention while in US custody. However, of those who needed and asked for medical care, 37 percent overall and 38 percent of unaccompanied minors were denied it. In addition, those who asked for medical attention and received it reported receiving worse care than those who did not ask for it. The study also found that persons who spoke an indigenous language were less likely to receive care than Spanish speakers; while

nearly 36 percent of non-indigenous language speakers received care, only 24 percent of indigenous language speakers did. <https://cmsny.org/publications/slackmartinezheyman-medical-care-denial/>

The Immigrant Detention System

“Immigrant Detention and COVID-19: How a Pandemic Exploited and Spread through the US Immigrant Detention System” (Donald Kerwin). This report examines the US detention developments from March 1 to August 1, 2020, a period when COVID-19 established itself and spread through and beyond the sprawling US detention system. The report documents ICE’s fatally flawed response in the early months of this crisis, and explores how the pandemic exploited and exacerbated longstanding problems in this system, such as its privatization, prison-like facilities, correctional standards, lack of transparency, and perverse financial incentives. <https://cmsny.org/publications/immigrant-detention-covid/>

“Unlocking Human Dignity: A Plan to Transform the US Immigrant Detention System” (Donald Kerwin). This comprehensive report by Migration and Refugee Service and CMS recommends that the US immigrant detention system be replaced with a full menu of supervised release, case management, and community support programs, designed to ensure court appearances. It also argues that immigration judges should adjudicate removal cases now handled through administrative, informal and non-court processes. <https://cmsny.org/publications/jmhs-unlocking-human-dignity/>

“Immigration Detention, Inc.” (Denise Gilman, Luis A. Romero). This paper describes how for-profit prisons have promoted wide-scale detention, which has increased the profits of the private prison sector and its influence over policymakers. It also details how economic inequality dictates the likelihood and length of detention in individual cases, through policies of keeping detention beds full and the use of monetary bond requirements for release. It recommends decreased use of private prison companies, the presumption of liberty in the immigration detention system, and reduced use of bond requirements as a condition of release. <https://journals.sagepub.com/doi/10.1177/2331502418765414>

“Weeping in the Playtime of Others: The Obama Administration’s Failed Reform of ICE Family Detention Practices” (Dora Schriro). The architect of the Obama administration’s detention reform initiative documents the rapid reversal of support for civil detention reforms and provides recommendations to transform the immigrant detention system from a criminal to a civil paradigm. <https://journals.sagepub.com/doi/pdf/10.1177/233150241700500212>

“The Rise of Immigrant Detention and Its Effects on Latinx Communities” (Melina Juárez, Bárbara Gómez-Aguiñaga, Sonia P. Bettez). IIRIRA’s detention mandate, special interest lobbying, and federal policies have combined to fuel the expansion of immigrant detention, with negative consequences for human rights, legislative representation, and democracy. The paper recommends: 1) increased transparency and accountability in DHS data management and on the lobbying expenditures of for-profit detention corporations, 2) the repeal of mandatory detention laws, and 3) the repeal of the detention bed mandate. <https://journals.sagepub.com/doi/10.1177/233150241800600104>

“A Humane Approach Can Work: The Effectiveness of Alternatives to Detention for Asylum Seekers” (Mark Noferi). This report by the American Immigration Council and CMS reviews research on the release of asylum seekers from detention, including the impact of various forms of alternatives to detention (ATD). It summarizes the primary harms caused by immigration detention, and argues that

releasing asylum seekers and affording legal assistance can protect their rights and facilitate compliance with proceedings and removals, at less human and financial cost than detention.

<https://cmsny.org/publications/noferi-detention-asylum/>

“Piecing Together the US Immigrant Detention Puzzle One Night at a Time” (Donald Kerwin, Daniela Alulema, Siqi Tu). The paper analyzes a dataset of every person in ICE custody on a particular night. It recommends the ICE should collect more extensive data on detainees, make it broadly available, and become more transparent and accountable to the public. It also recommends the significant reduction or elimination of for-profit entities in the US immigrant detention system.

<https://cmsny.org/publications/jmhs-piecing-together-the-us-immigrant-detention/>

Legal Representation, Due Process and the Rule of Law

“Strengthening the US Immigration System through Legal Orientation, Screening and Representation: Recommendations for a New Administration” (Donald Kerwin). This paper proposes measures to increase legal representation in order to establish a fairer and more efficient removal adjudication system and to place more immigrants on a path to permanent residence and citizenship. It recommends the expansion of federal legal orientation and assistance programs, as well as universal representation models serving all persons in removal proceedings in particular jurisdictions. It also proposes large-scale legal screening and representation of US undocumented residents, DACA recipients, and TPS beneficiaries. <https://cmsny.org/publications/strengthening-the-us-immigration-system-through-legal-orientation-screening-and-representation-recommendations-for-a-new-administration/>

“Universal Representation: Systemic Benefits and the Path Ahead” (Lindsay Nash). Universal representation models in 15 communities promote due process in removal proceedings, offer a more just and efficient immigration adjudication system, and promote strengthened communities.

<https://cmsny.org/publications/jmhs-nash-081919/>

“Immigration Adjudication: The Missing ‘Rule of Law’” (Lenni B. Benson). The overwhelming majority of removals now occur outside of the Immigration Court system. In ministerial or expedited forms of removal, there is no courtroom, no administrative judge, and rarely any opportunity for legal counsel to participate or for federal judicial review. In these settings, the rule of law is entirely in the hands of ICE and CBP, who serve as prosecutor, police, judge and jury. This paper proposes ways to reform the removal adjudication system that honor due process and the rule of law.

<https://journals.sagepub.com/doi/pdf/10.1177/233150241700500206>. See also, **“Unlocking Human Dignity: A Plan to Transform the US Immigrant Detention System,”** which argues that immigration judges should oversee the removal cases now subject to administrative, informal and non-court processes. <https://cmsny.org/publications/jmhs-unlocking-human-dignity/>

“Legalization of the Undocumented Through Legal Screening” (Tom K. Wong, Donald Kerwin, Jeanne M. Atkinson, Mary Meg McCarthy) and **“The Case for a National Legalization Program without Legislation or Executive Action: Results from Screening for Immigration Legal Options” (Jeanne M. Atkinson, Tom K. Wong).** These two studies suggest that a substantial percentage of US undocumented residents qualify for legal status, but may not know it or lack the resources to pursue it. They argue for a “legalization” program through large-scale screening and representation of the undocumented.

<https://journals.sagepub.com/doi/10.1177/2331502418771915>;

<https://journals.sagepub.com/doi/pdf/10.1177/233150241400200402>

“Access to Counsel and the Legacy of Juan Osuna” (Ingrid V. Eagly). A study of more than 1.2 million immigration proceedings between 2007 and 2012 found that only 37 percent of immigrants overall and 14 percent in detention found counsel. Ninety-eight percent of those without counsel were deported. In addition, detained immigrants with counsel were three times more likely to obtain relief from removal, and over four times more likely to have their cases terminated. Counsel has also been demonstrated to improve court efficiency, and to increase release on bond and court appearance rates. <https://cmsny.org/publications/eagly-access-to-counsel-and-osuna-legacy/>

“No Agency Adjudication?” (Jill E. Family). This essay outlines the need to move the removal adjudication process to a newly formed Article 1 Court in order to foster greater independence in the interpretation and application of US immigration and asylum law. <https://cmsny.org/publications/family-agency-adjudication/>

Immigrants and Public Safety

“Do Immigrants Threaten US Public Safety” (Pia Orrenius, Madeline Zavodny). Immigrants are less likely than natives to commit violent and property crimes, and communities with more immigrants have similar or lower rates of violent and property crimes than those with fewer immigrants. <https://journals.sagepub.com/doi/10.1177/2331502419857083>

“Access to Justice in a Climate of Fear: New Hurdles and Barriers for Survivors of Human Trafficking and Domestic Violence” (Kathryn Finley). Trump administration policies have made survivors of domestic violence, sexual assault, and human trafficking less likely to report crimes to law enforcement due to the increased threat of deportation and separation from their children, and a growing climate of fear in immigrant communities. Immigrant survivors increasingly opt against entering courthouses or pursuing their claims. <https://cmsny.org/publications/finley-climate-of-fear/>

Public Charge

“Public Charge Rule Would Significantly Reduce Legal Admissions and Adjustment to Lawful Permanent Resident Status of Working-Class Persons” (Donald Kerwin, Robert Warren, Mike Nicholson). This report analyzes the public charge rule from the perspective of undocumented immigrants and nonimmigrants that would otherwise be eligible for permanent residence based on a legally qualifying relationship to a US citizen or lawful permanent resident family member in their household. The paper profiles these two populations and examines the characteristics that would mitigate in favor of and against their inadmissibility under the rule. <https://cmsny.org/publications/2018-proposed-public-charge-rule/>

Immigrant Laborers and Labor Standards Enforcement

“US Foreign-Born Workers in the Global Pandemic: Essential and Marginalized” (Donald Kerwin, Robert Warren). This article provides detailed estimates of foreign-born workers in the United States who are employed in “essential critical infrastructure” sectors, as defined by the Cybersecurity and Infrastructure Security Agency of the US Department of Homeland Security. It offers estimates on essential workers on a national level, by state, for large metropolitan statistical areas, and for smaller

communities that heavily rely on immigrant labor. It also reports on these workers by job sector; immigration status; eligibility for tax rebates under the Coronavirus Aid, Relief, and Economic Security Act (CARES Act); and other characteristics. <https://cmsny.org/publications/us-foreign-born-workers-in-the-global-pandemic-essential-and-marginalized/>

“Segmentation and the Role of Labor Standards Enforcement in Immigration Reform” (Janice Fine, Gregory Lyon). This paper explains why strengthened and enforced labor standards must be an element of effective reform of the US immigration system. Strengthened enforcement must include not only vertical mechanisms, including strategic enforcement and penalizing and criminalizing egregious and repeated labor violators, but also lateral mechanisms, such as co-enforcement by workers and through worker and community organizations.

<https://journals.sagepub.com/doi/pdf/10.1177/233150241700500211>. See also, **“The US Labor Standards Enforcement System and Low-Wage Immigrants: Recommendations for Legislative and Administrative Reform”** for a discussion of legislative and administrative reforms necessary to strengthen labor standards enforcement against scofflaw and abusive employers.

<https://journals.sagepub.com/doi/10.1177/233150241300100103>