

Immigration Priorities for a Just Budget in 2023 Deep Dive: Fund Community-Based Services September 2021

*A critical component of restoring access to asylum and other forms of relief from removal and of phasing out immigration detention is investment in community-based support services. **For Fiscal Year (FY) 2023, the Biden administration should invest in community support services, including case management and access to legal services, for immigrants and asylum seekers. The program should not be funded or operated by Immigration and Customs Enforcement (ICE), and instead should be housed within the Department of Health and Human Services (HHS) Office of Refugee Resettlement (ORR) as an ORR pilot program for Asylum Seeker Case Management Service Provision.** The funding should support non-profit, community-based programs that provide community support services including legal, housing, transportation, education, social, job training, English language, food security, healthcare, medical, and mental health services.*

Context and State of Play:

A robust body of literature demonstrates that immigrants appear for immigration court hearings when supported by legal representation and community-based services. Best practices for community-based support programs have long been established: service delivery and compliance enforcement must be disconnected; the least onerous obligations possible should be imposed; programs must be operated by non-profit organizations with experience serving immigrant and refugee communities; programs must be centered around case management that is holistic and based on individualized assessments, with transparency around enrollment and disenrollment; and program participants should be treated with dignity, humanity, and respect at all times, with assistance to meet legal and social needs.

For too long, the U.S. government has invested in “Alternatives to Detention” (ATD) programs that run directly at odds with these best practices, and *without actually decreasing Immigration and Customs Enforcement (ICE)’s reliance on detention*. When ATD programs actually function as an alternative to release, it is a sure sign that a different approach is needed.

The growth of ISAP as an alternative to release rather than an alternative to detention:

As ICE detention grew exponentially in recent years, so did ICE's ATD account, super-sizing the Intensive Supervision Appearance Program (ISAP). ISAP, which is operated by a wholly owned subsidiary of the private prison company GEO Group, operates largely at odds with established best practices for case management programming: the program defaults to highly inappropriate and unsupportive compliance requirements including ankle monitors and GPS-based surveillance; people enrolled in the program report a lack of transparency over why they are enrolled and at what level of supervision; participants receive scant support with navigating the immigration system or understanding how to achieve step-down from reporting obligations; malfunctions in ankle monitor and other surveillance technology are frequent and cause great stress for participants; and disrespectful and sometimes abusive treatment by ISAP officers is common. Attempts to incorporate case management principles into ISAP have and will continue to be insufficient to create appropriate, evidence-based, nationwide community-based support programming, including continuity of support for people released from the border.

The Biden administration has the opportunity to take an evidence-based and compassionate approach to migration management by phasing out ISAP alongside its reduction of detention and moving expanded case management programs into the hands of experienced, trusted, community-based non-profit service providers. To generate trust in the program, maximize holistic legal services and comprehensive support, and ensure that case management support is delinked from enforcement and detention, administration and funding for case management should fall outside of ICE and the Department of Homeland Security (DHS), and should be moved to HHS.

ORR's expertise and experience in providing support services for immigrant integration and case support:

ORR is uniquely situated to provide support services to newly arrived asylum seekers or others given its experience and expertise in helping new populations who arrive as resettled refugees maximize their potential in the United States by linking them to critical resources that assist them in their integration into our communities. ORR's existing case management programs for refugee populations invest in equipping and empowering our newest neighbors with job training, English language classes, helping kids integrate in schools, housing assistance, and food security. Multiple studies have illustrated the social and economic self-sufficiency and contributions of refugees, outweighing the initial investment of federal dollars.

Nationwide, research has shown that refugees are large contributors to local economies. Refugees revitalize cities and towns by offsetting population decline and boost economic growth throughout the country by opening businesses, paying taxes, and buying homes. Given ORR's successful track record in providing integration services to refugee populations, we propose that additional funds be provided to expand ORR's services to support community-based case management for those in the asylum process, including access to legal services, to ensure that asylum seekers have the tools they need to thrive.

The FEMA-CRCL pilot program:

In FY 2021, Congress allocated \$5 million for a case management pilot program operated out of the DHS Office for Civil Rights and Civil Liberties (CRCL), with technical assistance from the Federal Emergency Management Agency (FEMA). In the FY 2021 budget, CRCL was directed to brief Congress within 60 days regarding progress toward establishing a national board to oversee project implementation, planned requirements and assessment criteria for making grant awards, locations in which pilots will operate, and planned metrics for evaluating program success. CRCL was further directed to provide a report to Congress with broader recommendations for case management services upon completion of the program in September 2022. The FY 2022 DHS Appropriations bill that passed out of the House of Representatives Appropriations Committee proposed to allocate an additional \$10 million for the CRCL pilot program, which would increase the budget to a total of \$15 million.

Advocates strongly urge the administration to invest in ORR programs to provide case management and humanitarian assistance for asylum seekers and border arrivals, to move case management services completely outside of the jurisdiction of ICE, and generally to end reliance on DHS for case management services to those navigating the asylum process. To the extent the administration continues to rely on DHS, we believe the CRCL program could, if implemented appropriately, serve as a step toward re-orienting metrics for success away from an enforcement-focused approach. The administration should ensure consistent transparency with the public and with Congress on the

program's development, guidelines, structure, and outcomes—measured by assessing whether enrolled families and individuals find stability and are able to navigate the immigration process, and not simply by appearance rates. While we believe the CRCL program could serve as an important foundation for more appropriate case management programming outside of ICE, it is imperative that the program be implemented consistent with recognized best practices of immigration case management support before considering it for expansion. Any lessons learned from a CRCL program should inform broader conversations about the longer-term priority to house case management services within ORR-operated programs.

Budgetary Ask:

In FY 2023, funds should be targeted to expand ORR programming to support community support services and pilot programming for refugees, asylum seekers, and vulnerable individuals.

The Biden administration should request \$55,880,000 in the Refugee and Entrants Account to fund an ORR “Asylum Seeker Case Management Service Provision Pilot Program” to support non-profit, community-based programs. Funding at these levels should build on lessons learned from prior and current community support service programs, such as the Family Case Management Program and the CRCL pilot, to strengthen case management services and pilot programs to support newcomer integration in their communities. It is critical to note that this request includes full access to counsel for the duration of an individual's or family's case, and allows for access to housing if deemed necessary (e.g. in cases where an individual or family may be in transition between family or other community members), consistent with the type of wraparound services that might be needed to support some with successfully navigating the immigration process while finding stability in the community. **This request should be accompanied by a supplementary request for \$500,000 for ORR to fund a study assessing community support services, including case management and access to legal services, for immigrants and asylum seekers.**

The Biden administration should further request \$36,000,000 to fund an ORR “Border Reception and Welcome Center Pilot Program.” Note that this program is distinct from providing longer-term community-based support services in destination communities and helping individuals find long-term stability as described above. This program would support reception or welcoming centers along the border to provide humanitarian assistance, including basic medical care, psychosocial support, orientation to legal responsibilities and rights, referrals to community-based case management services at destination cities, and facilitation of onward travel. It is critical that the administration make it clear that the program would offer non-custodial, opt-in voluntary services or accommodations.

The Biden administration should prioritize funding ORR for both the Asylum Seeker Case Management Service Provision Pilot Program and the Border Reception and Welcome Center Pilot Program. It is equally imperative that the administration sets a time table by which ICE must phase out ISAP entirely. In the event the administration continues utilizing DHS funds for asylum seeker case management, the administration should request funding for an opt-in case management program administered by the CRCL, de-linked from ISAP, implemented with expert input and consistent with evidence-based best practices around community-based support, and ensure that such funds are commensurate with a reduction in funds for ICE detention, ICE ISAP, and other ATD programs.

Resources:

- [Advocacy Groups Tell Biden Admin That New Case-Management Program For Immigrants Should Not Be Under ICE's Control](#) (July 2021)
- Women's Refugee Commission and American Immigration Council, "[Community Support for Migrants Navigating the US Immigration System](#)" (2021)
- Refugee Council USA, "[Refugee Integration & Economic Contributions to the United States](#)" (2019) (regarding the economic return on support services for integration programming)
- Women's Refugee Commission, [The Family Case Management Program: Why Case Management Can and Must Be Part of the US Approach to Immigration](#) (June 13, 2019)
- National Immigrant Justice Center, [A Better Way: Community-Based Programming as an Alternative to Immigrant Incarceration](#) (April 2019)
- United Nations High Commissioner for Refugees, Legal and Protection Policy Research Series: [Back to Basics: The Right to Liberty and Security of Person and 'Alternatives to Detention' of Refugees, Asylum-Seekers, Stateless Persons and Other Migrants](#) (April 2011)
- International Detention Coalition, [There are Alternatives](#) (2015)

Contact Information:

- Meredith Owen, Director of Policy and Advocacy, Church World Service, Mowen@cwsglobal.org.
- Katharina Obser, Director, Migrant Rights and Justice Program, Women's Refugee Commission, KatharinaO@wrcommission.org.