

FORCED DISPLACEMENT REQUIRES GLOBAL ACTION

The Biden Administration should live up to its promises by making measurable commitments at the International Migration Review Forum

Responding effectively to migration and displacement is, and will continue to be, one of the defining challenges of the 21st century. According to the [International Organization for Migration](#), 2020 saw 281 million international migrants, a full 3.6% of the world's population. At the same time, the number of people living in conditions of forced displacement has grown to over **84 million** refugees, asylum seekers and internally displaced persons. Maximizing the benefits of international migration while humanely addressing its challenges will require global, regional, and bilateral cooperation. To that end, and in the lead-up to the United Nations' International Migration Review Forum, InterAction's Forced Displacement Working Group is issuing updated **recommendations** to the Biden-Harris Administration to address the current reality and restore U.S. Government leadership on international migration and forced displacement.

In response to the 2015 refugee and migrant crisis, the United Nations began an ambitious attempt at fostering global cooperation and dialogue around migration. Following the adoption of the New York Declaration on Refugees and Migrants, UN member states began negotiations on what would become the Global Compact for Refugees (GCR) and the Global Compact for Safe, Orderly and Regular Migration (GCM).

The GCM is a non-binding inter-governmental agreement to share the responsibility and burden of addressing the serious challenges faced by migrants. The U.S. met the 2018 GCM negotiations with indifference or ambiguity at best and hostility at worst. That is until December 2021, when the Biden-Harris administration issued a revised national statement on the GCM that unambiguously endorsed its vision for global cooperation to address migration in all its dimensions.

In February 2022, we were pleased to see the Biden-Harris Administration reaffirming their commitment to the GCM **by announcing** a delegation to the International Migration Review Forum, the GCM's stocktaking exercise. We call on the US to maximize its involvement at the International Migration Review Forum and meet the vision of the GCM to the fullest and make measurable commitments toward its implementation. This includes sustained engagement in regional reviews and fora and contributing to the UN's Migration Multi-Partner Trust Fund.

DEMONSTRATE COMMITMENT TO PRINCIPLES THROUGH GLOBAL COOPERATION.

In 2020, the incoming Biden Administration took swift actions in its first 100 days to reverse some negative impacts of the previous administration's policies such as extending temporary protected status (TPS) to vulnerable groups and narrowing the criteria for U.S. Immigration and Customs Enforcement (ICE) to arrest non-citizens. Still, across the areas of international cooperation on forced displacement, asylum, and resettlement, the Biden Administration has fallen short of its campaign promises.

InterAction encourages the administration to correct missteps and advance a comprehensive plan to reestablish the United States as a leader on migration and forced displacement through policies that promote and safeguard progress.

In engaging in the GCM and IMRF process, InterAction calls on the Biden Administration to focus on policy coherence by developing regular migration pathways, including for refugees, that ensure full labor rights, facilitate social and family cohesion, and provide options for permanent residence and meaningful participation in civic life. GCM implementation strategies should promote the freedom to move, settle, work, and fully participate in society—over expanding temporary or circular work programs which should not be used as a solution to irregular migration or humanitarian crisis.

Best interests of the child

We are heartened by language in the revised National Position that confirms the GCM’s vision as one that the United States aspires to as well as acknowledging that there are areas where domestic immigration laws and policies can be improved. We stand ready to support you in making those improvements. This is especially critical in regard to the best interests of the child. Migrant children should be treated as children first and foremost regardless of their status. InterAction notes with concern that in its 2021 statement of support for the principles of the Compact the Administration reiterated that it does not always consider the best interests of children as a primary consideration in the immigration context. Joining the Compact should be one step toward promoting a regional protection model for asylum seekers, especially unaccompanied children, and making a commitment to end child detention.

While we recognize the United States remains the only UN member state to not ratify the Convention on the Rights of the Child, actions by the previous administration clearly show that US laws and policies do not necessarily provide sufficient protection for the human rights and wellbeing of migrant children. If the Administration wishes to truly lead a rules-based international order it should amend its policies and practices to align with international human rights law and best practices.

Non-refoulement

We appreciate the expression of support for Objective 21 and upholding the principle of non-refoulement in the context of deportations and removals in the revised National Position statement. Every human being regardless of their migration status is protected from refoulement, including through the absolute prohibition of return to torture. Returns of children, whether unaccompanied or in a family, should be voluntary, fully informed, and free of any coercion. The precondition to any return of a child – whether unaccompanied, separated or with family - is that their best interests have been determined and return is found to be a durable solution. This requires formal, robust, individual procedures, with due consideration given to the views of children.

However, the Biden Administration has continued to use policies that limit access to asylum and lead to the refoulement of hundreds of thousands of people. Policies implemented under the previous administration like the restrictive Migrant Protection Protocols known informally as the “Remain in Mexico Program” and Title 42, have sent hundreds of thousands of people back to danger.

We welcome **the creation** of the Southwest Border Coordination Center and accompanying plan to create a more humane asylum processing system. Coordination across various government agencies and NGO participation will pave the way toward more humane policies.

Proof of Legal Identity and reducing statelessness

We applaud DHS's pledge at the 2021 UN High-Level Officials Meeting to pursue initiatives to enhance recognition and protection of stateless individuals within the United States. It is estimated that up to 218,000 people in the U.S. are stateless or at risk of statelessness. As it currently stands, there are no protections under U.S. law for these individuals. While some stateless individuals are able to obtain protection, many do not qualify for any legal immigration statuses. Thus, stateless individuals are also at risk of prolonged immigration detention since no country will accept them for deportation. The GCM is an important tool for moving this agenda forward. Objective 4 of the GCM contains specific guidance for reducing statelessness that the Administration should use to address policy gaps, namely "registering migrants' births, ensuring that women and men can equally confer their nationality on their children, and providing nationality to children born in another State's territory, especially in situations where a child would otherwise be stateless."

STRENGTHEN AND SAFEGUARD CORE TENETS OF US POLICY ON DISPLACEMENT

U.S. Refugee Admissions Program, USRAP

InterAction notes the need to establish safeguards against future attempts to reverse course in restoring its asylum system. In its **recommendations** during the transition, InterAction commended the Biden Administration for raising the U.S. global refugee admissions goal to 125,000.

InterAction expresses concern that **only 7% of this goal** has been achieved in the first quarter of 2022 (8,758 refugees have been admitted as of March 31, 2022). In FY 2021, the administration reached a mere 18 % of its modest target to resettle 62,500 refugees, a historically low total.

InterAction approves of the Administration's rule issued on March 24, 2022, to improve and **expedite** the processing of asylum claims. We strongly encourage the Administration to adequately resource processing capabilities, eliminate the **unprecedented** and increasing **backlog** of asylum applications, and request the Biden Administration to continue raising the admissions cap annually to meet ongoing resettlement needs.

U.S. asylum policies and the forced displacement crisis in Central America and Mexico

The incoming Biden Administration took quick action to review the restrictive Migrant Protection Protocols known informally as the "remain in Mexico program" and to create a comprehensive regional framework on migration. Yet these actions should be accompanied by other measures to produce lasting structural change.

The Biden Administration kept Title 42—an emergency health policy implemented under the Trump administration—largely in place. March 2022 marked two years that the Title 42 health code has applied in

the context of COVID-19 to restrict immigration. This allows for the immediate expulsion of migrants with no regard for their claims to asylum. The continued use of **Title 42** expulsions has contributed to family separation. Since Biden's inauguration, the program expanded to cover **Haitian migrants** resulting in the immediate deportation of 20,000 Haitians on more than 200 flights.

Although the CDC issued a notice that it would **stop the use** of Title 42 on May 23, 2022, various states have sued the Biden administration to keep the policy in place. Similarly, the Biden Administration tried to terminate the use of the Migration Protection Protocols or MPP, more commonly referred to as Remain in Mexico, only to be sued and forced to keep the program in place. The litigation has now reached the Supreme Court. Although the Biden Administration has attempted to end the use of both of these policies, it has largely failed and progress remains **vulnerable** to rollback due to inadequate preparation against political challenges.