



U.S. Immigration Policy Brief

WHAT DOES A HUMAN RIGHTS CENTERED FOREIGN POLICY APPROACH TO U.S. IMMIGRATION LOOK LIKE?

This policy brief provides key recommendations to the Biden Administration to prevent the weaponization of immigration that is fueling divisions and polarization in the United States.

In the United States (U.S.), immigration is a contentious issue being [weaponized](#) and used as a [political tool](#) to fuel [resentment, hatred, and toxic polarization](#). For many immigrants, the U.S. continues to be a sought-after destination. Today, the U.S. hosts more immigrants than any other country in the world. According to a Pew Research Center report, immigrants now account for [almost 14%](#) of the U.S. population. However, the demographic shift in the U.S. is causing [considerable backlash](#) and is one driver of [instability and conflict](#) as political leaders tap into the fear of [changing demographics](#). To prevent the weaponization of immigration, fueling divisions and polarization in the United States, AfP urges the Biden administration to address the causes of toxic polarization, xenophobic and anti-immigrant narratives. By prioritizing conflict prevention and peacebuilding in its foreign policy and development strategies at the outset, people will not be forced to flee dangerous and violent conflicts. However, even in the U.S., we must ensure our human rights centered foreign policy extends to immigration, especially at the southern border.

BACKGROUND

In the recent past, there was some consensus and common ground on immigration, across the political spectrum. Throughout the 1990s and early 2000s, both the Republican and Democratic parties were similarly

[favorable toward immigration](#). In 2006, Republican President George W. Bush [pushed a comprehensive immigration reform bill](#) that included a provision offering a pathway to citizenship for all immigrants living in the U.S. However, after [considerable backlash among conservative voters](#), the legislation failed, and a bipartisan legislative solution to address the myriad of [challenges](#) facing U.S. immigration is not moving forward. Currently, immigration is “the [new face of the culture wars](#).”

Today, immigrants fleeing violence and economic instability arrive at the United States’ southern border [in record numbers](#). [The countries of origin of immigrants have been shifting since May 2019](#). Mexican

nationals now account for a larger share of immigrants, while the share of immigrants from the Northern Triangle countries – El Salvador, Guatemala, and Honduras have fallen. In July, 26% of migrants were Mexican citizens, up from 13% in May 2019. In July, people from the Northern Triangle countries accounted for 45%, down from 78% in May 2019. Migration from countries other than Mexico and the Northern Triangle has [also increased](#) in recent months, including Haiti. Even Democrats are increasingly critical of the Biden administration’s treatment of immigrants following the recent disturbing images of the Border Patrols’ mistreatment of Haitian immigrants and their immediate deportation to Haiti amidst a political and humanitarian crisis in the country. President Biden’s



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[special envoy to Haiti recently resigned](#) in protest of “inhumane” large-scale expulsions of Haitian migrants to their homeland.

[Some politicians and the media](#) believe immigrants at the southern border are a threat to national security. In response to the arrival of immigrants, Republican Governors in some states have sent [National Guard troops](#) to the border, reinforcing this narrative. The narrative that immigrants threaten national security plays into the heightened cultural and economic anxiety among white Americans. [Newly released U.S. census data](#) shows the demographics of the U.S. are rapidly changing, and data shows that in the last decade the white population in the U.S. declined for the first time in history. At the

same time, there were also significant increases in the number of people who identify as multiracial, Hispanic, and Asian.

While the number of active [hate groups in the U.S. declined](#), hate and extremism are not subsiding, and hate groups are still extremely dangerous. [Race, immigration, and religion](#) continues to divide Americans. White nationalists and anti-immigrant hate groups exploit the cultural and economic anxiety driven by shifting demographics to [promote](#) intolerance, discrimination, and xenophobia, which impacts [social cohesion](#).

The world faces a violent conflict and fragility [problem](#) that will continue to drive [immigration and displacement](#).

There are now over [80 million displaced people worldwide](#), more than during [World War II](#), due to violence, persecution, and other emergencies. The Biden administration must ensure conflict prevention and peacebuilding is at the center of its foreign and domestic policies by addressing the root causes of migration in conflict-affected and fragile states and anti-immigrant and xenophobic narratives in the United States. Furthermore, the Biden administration must uphold its commitment to put human rights at the center of its foreign and domestic policies by ending immigration policies that violate human rights and contribute to the humanitarian crisis at the southern border.

The Biden Administration’s Policy Responses

The Biden administration issued a slew of executive actions to address the crisis at the southern border. First, the administration issued an [executive order \(E.O. 14010\)](#) mandating the development of two strategies: the [U.S. Strategy for Addressing the Root Causes of Migration \(Root Causes Strategy\)](#) and the [U.S. Strategy for Collaboratively Managing Migration in the Region](#). The executive order calls for a multistakeholder process that works with foreign governments, multilateral institutions, the private sector, and civil society to combat corruption, strengthen governance, respect human rights, counter and prevent violence, and address economic insecurity in the region.

Recognizing the vital relationship between immigrants and host communities, in February 2021, President Biden signed an [Executive Order](#) asking the [Domestic Policy Council](#) to coordinate the Federal Government to “welcome and support immigrants, including refugees, and catalyze State and local integration and inclusion efforts.” In May 2021, the Biden administration also signed the [COVID-19 Hate Crimes Act](#) to address intolerance, xenophobia, and hate crimes.

President Biden has had conflicting policies on immigration and some policies continue to exacerbate the humanitarian situation at the southern border. One policy still in effect from the previous administration allows [for the expulsion of immigrants](#) without being allowed to seek asylum, because of COVID-19 restrictions under Title 42. Apprehensions at the U.S. southern border are at a 20-year high, and recently thousands of Haitian refugees staying at a makeshift encampment under an international bridge were sent back to Haiti. However, on October 1, after considerable pressure from immigration activists, President Biden announced, that he will [raise the cap on refugees allowed to enter the U.S.](#) from 62,500 to 125,000.

On July 29, 2021, the Biden administration released its [Root Causes and Collaborative Migration Management Strategies](#) mandated in [EO 14010](#). The executive order addresses the root causes and collaborative management of migration from Central America. The Root Causes Strategy outlines a five-pillared approach that includes addressing economic insecurity and inequality; combating corruption, strengthening democratic governance the rule of

law; promoting respect for human rights, labor rights, and a free press; countering and preventing violence, extortion, and other crimes; and combating sexual, gender-based, and domestic violence. President Biden’s executive order and proposed strategies align closely with the central principles of the [Global Fragility Act \(GFA\)](#), which seeks to address [upstream prevention and conflict drivers](#). The GFA acknowledges that sustainable peace requires focusing U.S. foreign assistance on preventing violence and violent conflict in fragile and conflict-affected countries through an adaptive, evidence-based, coordinated interagency and international cooperation approach. Therefore, alignment of the Root Causes and Collaborative Migration Management strategy with the GFA is necessary.

The Alliance for Peacebuilding recommends the following:

1. Prevent and reduce violence so people don't have to leave their homes to seek refuge.

Increasing instability and violent conflict are causing record levels of immigration globally. Many immigrants make the difficult decision to leave their homes and seek refuge in the United States due to [life-threatening violence and poverty](#). Therefore, the Biden administration must focus on the causes of violence, conflict, and fragility, including examining the [role of the U.S. foreign policy](#) in creating instability and fragility globally. Additionally, the Biden administration

must successfully implement the Root Causes and Collaborative Migration Management Strategy and implement the bipartisan U.S. Global Fragility Act (GFA) that requires putting conflict prevention and peacebuilding at the center of its strategies. It is critical to successfully implement the Root Cause and Collaborative Management strategies outlined in the Alliance for Peacebuilding's policy brief [From Vision To Execution: A Roadmap To Success For The U.S. Root Causes Strategy In The Northern Triangle](#).

While these strategies rightly focus on The Northern Triangle, a significant part of immigration at the southern border, the number of immigrants from other

[fragile and conflict-affected countries are increasing significantly](#). Since 2009, there has been a [986% increase in apprehensions](#) at the southern border of immigrants from the [fifteen most fragile countries](#). To effectively address heightened levels of immigration, the Biden administration must also focus on root causes driving people to flee in all conflict-affected and fragile states.

To support this alignment, the Biden administration must successfully implement the GFA and ask Congress to [fully and consistently fund](#) the Global Fragility Strategy. But this is only a start because the GFA will initially only address at least five priority countries and regions.



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2. Start by building on narrow common ground that exists on immigration issues

Despite increasing political polarization in the U.S., [most Americans agree on a few immigration policy priorities](#). For example, most Americans agree on a pathway to citizenship for DACA recipients and undocumented immigrants. Most Americans also

agree that immigrants, including those at the southern border of the U.S., should be [treated humanely](#). The Biden administration can build on common ground by supporting the U.S. Citizenship Act of 2021, which provides a pathway to citizenship to approximately 11 million undocumented immigrants. Unfortunately, this bill is [unlikely to pass](#), given the lack of support from Republican legislators. However, President Biden can help

create a pathway to citizenship for undocumented immigrants by insisting and advocating for its inclusion in the current \$3.5 trillion [budget reconciliation package](#), even though the [Senate's parliamentarian ruled that pathway to citizenship](#) "is not appropriate for inclusion in reconciliation."

3. Counter xenophobic and anti-immigrant narratives by promoting evidence-based public discourse to shape perceptions of immigration

While there is common ground on several [policy interventions on immigration](#), support for immigration policy has not translated into broad acceptance of immigrants. Instead, immigration continues to be [a key wedge issue](#) and is being used to amplify divisions. In parts of the U.S. political and media landscape, fear of immigrants is a dominant narrative, leading to divisions, undermining solidarity and pluralism, and pitting communities against one another. The Biden administration has already [turned away from using xenophobic language](#)-like “Illegal alien” when referring to migrants and asylum seekers to prevent and reduce xenophobic and anti-immigrant narratives. We urge the Biden administration to build on this initiative to reframe narratives and public messaging on immigration that affirm human dignity, uphold, and promote the human rights of all immigrants.

The Biden administration can mobilize to counter xenophobia and reframe the narrative around immigration by committing to promoting “an open and evidence-based public discourse on immigration and immigrants in partnership with all parts of society, that generates a more realistic,

humane, and constructive perception in this regard.” This commitment is part of Objective 17 of the [United Nations \(U.N.\) Global Compact for Safe, Orderly, and Regular Migration](#). To implement commitments in Objective 17, the U.N. has developed [evidence-based strategies](#) to reframe and combat pervasive and fear-based narratives on immigration. We encourage the Biden administration to adopt the compact and support the U.N. commitments outlined in the U.N. compact, including Objective 17.

4. Develop and fund structures that resolve the conflict between host communities and immigrants, promote inclusion, and build social cohesion.

The relationship between immigrants and host communities is an integral but often overlooked part of the immigration cycle. [Effective policies and legislation](#) in support of inclusion and social cohesion can help improve public perception of immigrants, improve understanding of cultural differences, reduce polarization and tension, and help counter xenophobia. The Biden administration should promote whole-of-society approaches to inclusion by working with a wide array of societal actors to support the participation of immigrants in the economic, social, and cultural life of the U.S.

As a critical first step, the Biden administration should revitalize the [Community Relations Services \(CRS\)](#) at the Department of Justice. Revitalizing CRS could [strengthen the capacity](#) of community and religious groups to prevent conflict and tension between immigrants and host communities due to actual or perceived racial, ethnic, religious, or cultural differences.

The Biden administration should support legislation that ensures national commitment and allows for meaningful investment in support of immigrants and host communities. To help relevant agencies and executive departments ensure that all current federal policies and programs are responsive to the needs of new Americans and the diverse receiving communities in which they reside, the Biden administration should support [H.R. 572](#). If passed, this law would establish an Office of New Americans within the President’s Executive Office. It would promote and support immigrant and refugee inclusion in “the social, cultural, economic, and civic life of the United States.” This office would also coordinate a national strategy that encourages inter-agency cooperation to address the needs of immigrants and the diverse receiving communities in which they reside.



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5. Put human rights at the center of immigration policy

The administration will not counter xenophobic and anti-immigrant narratives and promote rights-based immigration narratives unless the administration's immigration policies reflect [stated commitments to human rights](#). However, at the southern border, the Biden administration [continues to enforce immigration policies that violate human rights](#). Immigration officials are not processing immigrants humanely and under [domestic and international law](#). Instead, they are [mistreating immigrants](#) and [detaining unaccompanied children](#) in jail-like conditions provoking [outrage among Americans](#). They are denying access to asylum and protections granted by [international humanitarian laws](#) and [expelling immigrant asylum seekers](#) using the COVID-19 pandemic and the Centers for Disease (CDC) Title 42 rules. To put human rights at the center of its immigration policy, the Biden administration should immediately:

I. End expulsions under Title 42 and [listen to public health experts](#) to put effective, science-based measures to safely process asylum seekers.

Since the start of the COVID-19 pandemic, under the Centers for Disease Control Title 42 rules, Customs and Border Protection (CBP) have expelled hundreds of thousands of immigrants who have arrived at the southern border. CBP deports immigrants to either their country of origin back [to dangerous conditions](#) they fled or to Mexico, their country of last transit, where they are [vulnerable to violence and abuses](#). Currently, thousands of immigrants languish in Mexican border towns with [no access to asylum or protections granted by international humanitarian laws](#). We commend the Biden administration for reversing the previous administration's [Migrant Protection Protocol \(MPP\) policy](#) and [processing asylum claims](#) of those enrolled in the program. However, as immigrants continue to be, [mistreated, denied asylum claims, and expelled under Title 42 rules](#), we request the Biden administration to reaffirm the legal obligation of the U.S. and allow immigrants to apply for asylum. The administration can process asylum while safeguarding public health by [following the recommendations](#) of epidemiologists and public health experts.

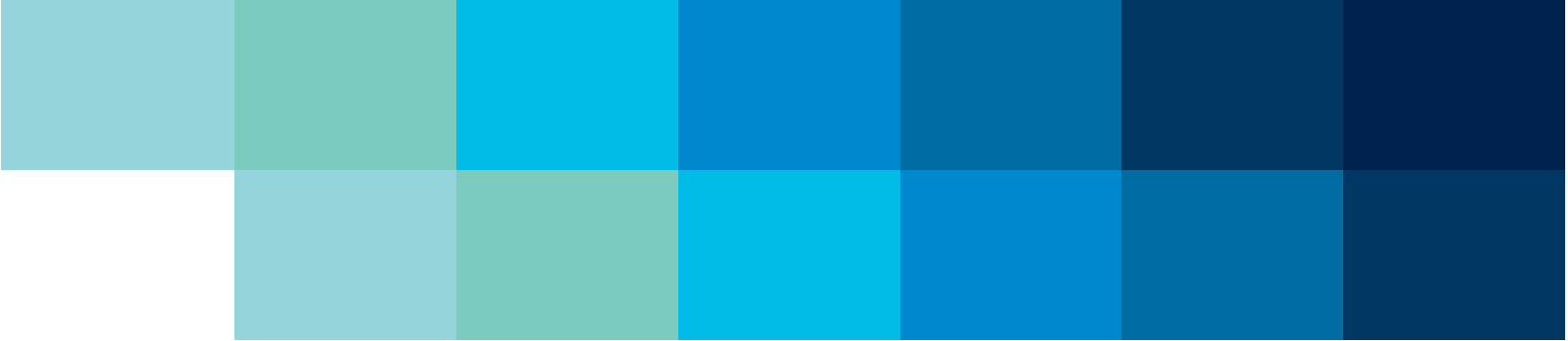
II. End the detention of unaccompanied minors and permanently close detention centers.

While U.S. officials are turning most immigrants away under the Title 42 order, migrant children who have arrived at the border without parents or legal guardians can [enter the United States](#). [Processing unaccompanied minors safely](#) is proving to be a challenge given the significant increase in their arrivals. The CBP has not met the 72-hour deadline to transfer custody of unaccompanied minors to the better-equipped Office of Refugee Resettlement (ORR). As a result, the number of unaccompanied minors in the custody of CBP has [increased significantly](#). [Children in detention centers are especially vulnerable](#) and face multiple issues, including COVID-19 infections and hospitalization.

The Biden administration should end child detention policies and permanently close detention facilities. The administration should work with faith and other civil society organizations (CSO) to provide [community-based alternatives to detention](#). Faith groups have recognized experience in providing shelter and protection to migrants. They have firsthand knowledge and understanding of the ongoing trauma [detention and family separation](#) has on unaccompanied minors, their families, and immigrant communities. Faith and other CSOs can provide services and support to unaccompanied minors at the border.



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About Alliance for Peacebuilding:

Named the “number one influencer and change agent” among peacebuilding institutions worldwide—AfP is a nonprofit and nonpartisan network of 150+ organizations working in 181 countries to prevent conflict, reduce violence, improve lives, and build sustainable peace. At our core, AfP cultivates a network to strengthen and advance the peacebuilding field, enabling peacebuilding organizations to achieve greater impact—tackling issues too large for any one organization to address alone.



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