

Progress Report

Women's Refugee Commission's Priority Recommendations to the Biden Administration

February 2, 2021

With record levels of people displaced by conflict, climate change, and other drivers of displacement, the majority of whom are women and children, the Women's Refugee Commission (WRC) crafted a list of priority recommendations for the Biden administration to take action on within the first 100 days.

Based on our work with those most at risk of violence and exploitation, we know it is vital for the Biden administration to move quickly to restore global US leadership and reset US priorities globally and at home.

President Joe Biden tonight signed a series of executive orders, two of which are aimed at addressing family separation under the Trump administration and asylum and migrant rights at the US border with Mexico and in the region. The first executive order creates a family separation task force with the goal of reunifying families separated by the Trump administration. The second executive order focuses on developing a regional migration strategy that includes addressing root causes; enhancing protection capacity in the region through programs like a refugee resettlement program for Central American immigrants and a family reunification program for persons approved for family reunification petitions; and directs a comprehensive review of border and anti-asylum policies implemented under the previous administration.

In response to tonight's action, Michelle Brané, senior director, Migrant Rights and Justice Program at WRC, issued the following statement:

"The Women's Refugee Commission welcomes these orders as a critical step toward rolling back the cruel Trump-era policies. The current humanitarian crisis at the US border, together with the ongoing harms suffered by families who were cruelly separated under the Trump administration, demands immediate attention. The Women's Refugee Commission has urgently called for the rebuilding of a fair and humane asylum system that respects family unity and ensures those seeking protection are not detained. As members of the steering committee recognized by the court in the Ms. L family separation litigation, we are ready to work closely with the new family reunification task force.

"We also call for immediate action to welcome and protect those seeking safety at our borders, keep families together, ensure the administration phases out the use of detention, and start the healing process for children and parents.

"We welcome the administration's review of harmful and cruel policies that have traumatized families and communities while creating chaos and confusion. Migrant and border communities, as well as experts and humanitarian actors, are ready to work with the administration to reopen our borders, build back better, and create a humane reception process that welcomes migrants with dignity.

"It will be critical to ensure that regional solutions focused on root causes or implementing resettlement do not impact the ability to seek protection at US borders, and that people in need of protection are not asked to remain

in the situations they need to flee. We also urge the Biden administration to immediately take steps to rescind and address the harmful consequences of policies such as the Migrant Protection Protocols (MPP) or Remain in Mexico programs, metering, and Title 42 expulsions.

“The Trump-era policy of stranding people in Mexico has placed families and people seeking asylum in dangerous situations where there is little to no protection for them, placing them at risk of kidnapping, human trafficking, and worse. Instead of turning away people seeking protection, the United States should have a fair, just system that reflects American values and welcomes law-abiding immigrants seeking protection. This includes not subjecting them to detention and instead offering case management services to support their immigration process when needed.

“More than 20,000 children and families who are currently enrolled in MPP are still in limbo, waiting in Mexico to see their day in court. We can’t allow them to remain in danger any longer.

“We look forward to continuing to work with the Biden administration to undo the cruelty and chaos left by the Trump administration and to rebuild a new and humane asylum system.”

See below for a progress update on WRC’s top priorities for the Biden administration:

Propose strong increased funding in the President’s Budget Request for humanitarian assistance that is rights based; addresses the needs of those most at risk, particularly women and girls; promotes gender equality; and supports self-reliance goals. Include needed resources for a revived and robust US Refugee Admissions Program.

Renew the US commitment to gender equality in its humanitarian, development, and peace and security work. Using USAID’s 2012 Gender Equality and Female Empowerment Policy as the starting point, develop an updated policy that builds on progress and learning to date, emphasizes the importance of sexual and reproductive health care, and promotes the full participation of the most marginalized, including adolescent girls, LGBTQI persons, and women and girls with disabilities. Also review, update, and resource the US Strategy on Women, Peace, and Security and agency implementation plans to ensure a more detailed framework with strong accountability mechanisms.

Take action to ensure access to comprehensive sexual and reproductive health services, including safe abortion care.

✓ This includes rescinding the Mexico City Policy (also known as the Global Gag Rule)

and working with Congress to repeal the Helms and Hyde amendments and repeal the Kemp-Kasten amendment and replace it with language consistent with the International Conference on Population and Development (ICPD).

Expand efforts to address gender-based violence in humanitarian settings. Immediately affirm US membership in and leadership support for the Call to Action on Protection from Gender-Based Violence in Emergencies.

Re-establish US leadership on global humanitarian and human rights policy and practice by joining the United Nations Global Compact for Migration, affirming full support for the Global Compact on Refugees, and strengthening US engagement on effective implementation of both Compacts. Re-engage with the UN Human Rights Council and strengthen advocacy on the rights of crisis-affected people, including women human rights defenders.

(In progress) Restore funding for UNFPA.

✓ Restart US participation in the World Health Organization (WHO), whose role in humanitarian response in the time of COVID-19 is more critical than ever.

Also restore funding for the United Nations Relief and Works Agency (UNRWA), which provides assistance and protection for more than 5 million Palestinian refugees.

✓ Rejoin the Paris Agreement to help prevent and mitigate climate-related disasters and displacement.

Restore the rights and respect the dignity of displaced people in search of protection. Reverse policies that have closed the border to asylum seekers and unaccompanied children, including:

(In progress) Ending the Migrant Protection Protocols (MPP, also known as “Remain in Mexico”);

Ending the use of Asylum Country Agreements (ACAs) with Guatemala, El Salvador, and Honduras; rescinding the Centers for Disease Control and Prevention (CDC) order barring entry to asylum seekers; and immediately resuming the processing of asylum seekers at the border.

(In progress) Repeal all iterations of the Muslim, African, and asylum travel bans.

Ensure that foreign policy addresses root causes of migration and supports access to protection (including asylum), and is not focused on deterrence.

Immediately begin to restore the integrity of the asylum system. Restore eligibility for asylum for survivors of domestic violence, victims and survivors of sexual and gender-based violence (SGBV), gang violence, and members of the LGBTQI community. Withdraw or reverse decisions by the Attorney General and the Board of Immigration Appeals that narrowed the refugee definition and due process in contradiction with human rights norms.

Phase out the use of Immigration and Customs Enforcement (ICE) detention. Apply a presumption of release and invest in appropriate community-based case management programs instead of immigration detention. Immediately end family detention. Implement meaningful oversight and accountability mechanisms over DHS detention and custody policies.

Stop separating families at the border and in the interior. Immigration policies and practices must respect family unity. Families should neither be separated nor detained together.

(In progress) End the use of expedited processing and other measures that inhibit due process. Immediately reverse the expansion of “expedited removal” and ensure that all those in immigration proceedings have a fair day in court. Protect sensitive locations from enforcement actions.

The Women’s Refugee Commission looks forward to working with the Biden administration and the Congress to repair the devastating impacts of the previous administration’s actions, and to proactively advance the rights and protections of displaced persons around the world.