



Committee on Migration

c/o Migration and Refugee Services, USCCB

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Dear Senator/Representative:

As Congress begins the appropriations process for Fiscal Year (FY) 2022, many committees within the U.S. Conference of Catholic Bishops (USCCB) are engaging in appropriations matters under their purview, including through funding that supports the poor, migrants and refugees, environmental protection, healthcare, housing, nutrition, and other safety net programs that help people meet their most basic needs. Together, these views represent the wide breadth of concern of the bishops in the budget and appropriations process. I write on behalf of the USCCB's Committee on Migration (USCCB/COM) to request your support for our funding priorities with respect to programs that are crucial for immigrants, refugees, asylees, asylum seekers, unaccompanied children, survivors of torture and victims of human trafficking. Please consider including the following requests in your FY 2022 funding proposals:

Commerce, Justice, Science, and Related Agencies (CJS)

For FY 2021, USCCB/COM supported adding **100 Immigration Judge teams**. With over 600,000 asylum applications pending with the immigration court,¹ and a backlog of nearly 1.3 million immigration court cases, we continue to urge a comparable expansion in FY 2022 to ensure timely adjudication of cases.² We appreciate the Administration's request for increased funding for the Executive Office for Immigration Review in its FY 2022 Discretionary Request, which it suggests would be used, in part, to support 100 new immigration judges, including support personnel, as well as other efficiency measures to reduce the backlog.

Building on the Administration's request, we also recommend **\$200 million** for the Administrative Review and Appeals Executive Office for Immigration Review (APA/EOIR) to promote innovations to the availability and quality of legal representation for noncitizens in removal proceedings.

We also ask that Congress appropriate **\$50 million** for APA/EOIR to expand the pilot program for legal representation and leverage federal funds to bolster pro bono efforts and improve immigration court efficiency. Improved appellate efficiency is also ever more crucial. Between 2017 and 2020, filings of BIA appeals more than doubled from 23,007 to 51,266 and the number of pending appeals at the end of the fiscal year increased by more than six-fold, from 12,682 to 84,716.³ We also ask that Congress appropriate **\$50.5 million** to sustain and continue to expand the Legal Orientation Program for detained adults, the Legal Orientation Program for Custodians of Unaccompanied Children, and the Immigration Court Helpdesk Program (ICH). We specifically ask that **\$15 million** of this funding be for expanding the ICH capacity in the five cities where it is currently operational and for national expansion beyond those five cities. These programs not only provide crucial legal information to those in immigration court proceedings but also streamline proceedings, making them more efficient. Coupled with the \$4.5 million increase in LOP

¹ EOIR Adjudication Statistics: Total Asylum Applications, <https://bit.ly/2Oo9ZSV> (last visited Mar. 16, 2021).

² "The State of the Immigration Courts: Trump Leaves Biden 1.3 million Case Backlog in Immigration Courts," TRAC, <https://bit.ly/2PJiNTK> (last visited March 16, 2021).

³ EOIR Adjudication Statistics: Case Appeals Filed, Completed, Pending, EOIR/DOJ, January 7, 2021, <https://bit.ly/3tfRyz5> (last visited March 25, 2021).

funding in FY 2021, this amount of funding helps sustain the expansion articulated in the FY 2019 Border Supplemental.

Lastly, we urge you to appropriate at least **\$85 million** for trafficking victim services in FY 2022.

Department of Homeland Security (DHS)

The Catholic Church acknowledges the right of nations to control their borders and the responsibility of governments to protect the people within their borders. At the same time, we believe that those rights and responsibilities should be exercised in a manner that is consistent with the moral obligation to protect the humanitarian needs of migrants and refugees. Wealthier nations have a greater obligation to accommodate those needs and can do so in a manner that does not jeopardize the safety or wellbeing of their citizens.

We support an enforcement system that defaults to community-based alternatives to detention (ATD), particularly those that utilize case management and direct NGO service provision. Nearly everyone navigating their immigration case should be able to do so from home with their families and in their community, not behind bars in immigration detention. We urge the Committee to direct the Administration to support models like the Family Case Management Program (FCMP) and funding that has been provided for FCMP and case management models in the Consolidated Appropriations Acts of 2019–2021. We appreciate the \$5 million NGO ATD pilot funded in FY 2021, through FEMA and overseen by the DHS Office of Civil Rights and Civil Liberties. We urge robust oversight and continued efforts to ensure that NGO service providers are able to refer individuals into such programming to ensure stabilization and compliance with immigration proceedings.

Given the enormous asylum backlog and the difficulty that many asylum seekers face in pursuing their claims, we urge the Committee to provide funding in FY 2022 for a system of community-based case management and legal support services for a subset of the more than 1.3 million asylum seekers currently in the backlog. Studies have shown that such services lead to compliance rates between 96 and 100 percent. We believe that a program such as this would enable asylum seekers to better navigate their court processes, greatly improve the rate of asylum seekers who appear at their proceedings, help reduce adjudication backlogs, and strengthen the integrity of the system.

We request **\$30 million** for U.S. Citizenship and Immigration Services (USCIS) Citizenship and Integration Grant Funding to expand the existing programming, with **\$6 million** to be used to increase the capacity of national, regional, and statewide organizations to work with their affiliates, members and partners to offer citizenship services in underserved communities. We urge **\$8 million** to fund the Office of Citizenship, which furthers the national interest by encouraging qualified legal permanent residents to commit and fully integrate to the United States through citizenship. We ask the Committee to consider urging USCIS to prioritize the timely processing of citizenship and other applications, with a goal of eliminating the naturalization backlog in its entirety and adjudicating all requests within six months or less of submission. We note that it is vital for the Committee to conduct oversight to ensure this occurs without imposing non-adjudicatory costs on U.S. businesses, families, and other sponsors and applicants.

We appreciate that the Consolidated Appropriations Act of 2021 extended the Special Immigrant Non-Minister Religious Worker Visa Program until September 30, 2021. We ask that Congress include language permanently reauthorizing this small but important program. In addition, we ask Congress to update the Program to include concurrent filing and premium processing for religious worker permanent residence (to treat the program similar to other employment-based categories).

We support the Administration's proposal in its FY 2022 Discretionary Request for \$345 million for the

United States Citizenship and Immigration Services to address naturalization and asylum backlogs, support up to 125,000 refugee admissions in 2022, and allow for systems and operations modernization. We also appreciate that P.L. 116-215, the Continuing Appropriations Act, 2021, and Other Extensions Act, provides USCIS a tool whereby it can make use of premium processing fees for operational challenges that impact its ability to make timely adjudication of citizenship and immigration applications and petitions. Given the adjudication challenges facing applicants for naturalization, the Asylum Office, the Refugee Corp, and nonprofit religious employers, we urge appropriators to closely monitor USCIS staffing and other resources to be sure that it is using all of the tools available to it to provide sufficient capacity to address the asylum backlog, restore refugee admissions back to more normal levels, process naturalization applications, and process visa petitions for religious workers who do so much to help the communities they serve.

Lastly, we also request in the DHS portion of any appropriations vehicle Congress passes, a Hyde-like provision to ensure that federal funds not be used to fund elective abortions.

Labor, Health and Human Services, Education, and Related Agencies (LHHS)

We commend the Administration for the substantial increase in funding for Refugee and Entrant Assistance that it proposed in its FY 2022 Discretionary Request. We ask that Congress build on the Administration's request by appropriating **\$4.936 billion** for the **Refugee Entrant and Assistance (REA) account**, an amount we believe would enable the Department of Health and Human Services Office of Refugee Resettlement (ORR) to adequately serve certain vulnerable populations of concern and respond to unanticipated needs. ORR serves refugees, unaccompanied children, asylees, Iraqi and Afghan Special Immigrant Visa recipients, Cuban and Haitian entrants, and survivors of human trafficking and torture.

Within the \$4.936 billion in funding that we recommend for the REA account, **we ask Congress to appropriate \$50 million for the Office on Trafficking in Persons (OTIP), with \$25 million for foreign national victims' protection and \$25 million to protect U.S. citizen victims.** OTIP provides critical services to trafficking victims and facilitates recovery and self-sufficiency. We also ask Congress to appropriate at least **\$96.125 million for the Department of Labor International Labor Affairs Bureau (ILAB)**, the same level appropriated for ILAB in FY 2021. ILAB plays a critical role in efforts to eradicate child labor.

Within the topline funding that we recommend for the REA account, we support **\$1.983 billion in baseline funding to serve unaccompanied children (UC).** With this funding, we urge ORR to dedicate resources toward serving the best interest of unaccompanied children, including by increasing the percent of children receiving critical family reunification services (home studies and post-release services).

We support the establishment of a Refugee and Entrant Assistance (REA) Contingency Fund to help fund the needs posed by unexpectedly high levels of arrivals of unaccompanied children and other ORR populations of concern. We strongly recommend an appropriation of at least \$1 billion for this fund in fiscal year 2022.⁴ Establishment and funding of such a fund is necessary to ensure that ORR is able to address the high probability that it will be faced with significant, sudden increases in UC referrals, as has occurred repeatedly since 2012, and to ensure that the program does not face another funding shortfall, as seen numerous times when ORR has had to reprogram money away from other populations in its care to meet the needs of UC. In FY 2019, the prospect of shortfalls rose to the point that Congress

⁴ Should Congress decide not to appropriate an REA Contingency Fund for FY 2022, we would encourage a significant increase in baseline funding for unaccompanied children comparable to at least \$2.983 billion. This combined funding, in whatever form, would support care and placement of children, including community-based case management and post-release services, as well as home studies, for unaccompanied children. These services would have the double benefit of helping both the welfare of the children and their family sponsors and the integrity of the system.

needed to appropriate \$2.88 billion in supplemental funds to ORR to address children's needs. In the past, other populations under ORR's care also have had unexpectedly high arrivals, such as Cubans in FY 2015 and FY 2016.

Also, we are deeply concerned that there **may be a need for REA supplemental funding for FY 2021**. The arrival rate of unaccompanied children is on pace to meet or exceed the record arrivals of FY2019. For FY 2021, we urge appropriators to closely monitor ORR's needs and provide supplemental funds, if necessary, so that ORR is not forced to reprogram funds away from refugees and other vulnerable groups.

State, Foreign Operations, and Related Programs (SFOPS)

We ask that Congress appropriate **\$24 million** for the Department of State's **Office to Monitor and Combat Trafficking in Persons (J/TIP Office)** for combatting human trafficking. We note this is a substantial increase from the \$16 million enacted in FY 2020 and FY 2021, but we firmly believe that additional funding is needed to more fully monitor and combat the global scourge of human trafficking.

We also ask that Congress appropriate **at least \$3.981 billion for the Department of State's Migration and Refugee Assistance (MRA) account, \$1 million for the Department's Emergency Refugee and Migration Assistance (ERMA) account, and \$4.52 billion for the International Disaster Assistance (IDA)** that is administered by the Bureau of Humanitarian Assistance of the United States Agency for International Development (USAID).⁵ We believe these amounts would ensure that the State Department and USAID can continue a robust U.S. commitment to refugee protection, serving refugees and displaced populations and responding to numerous humanitarian crises. Given the growing global need, our recommended funding levels for FY 2021 are above FY 2021 enacted levels of \$3.432 billion for MRA and \$4.439 billion for IDA. The MRA increase is needed to build back the U.S. Refugee Admissions Program. We urge the Administration to make judicious use of the ERMA account, and we urge Congress to support a renewed use of the fund.

We also recommend that the Lautenberg Amendment, which has facilitated the protection and resettlement of persecuted religious minorities since 1990, be extended permanently or at least for another year.

Protection of Life

Finally, we strongly hold that the protection of unborn lives cannot be separated from any work that aims at ensuring justice and flourishing for every human being.

The USCCB is gravely concerned about the prospect of any expansion of taxpayer funding of abortion, which would occur if the Hyde Amendment or any of the other life-saving appropriations riders were to be removed from the annual appropriations bills. It is vital that the Hyde Amendment and all of the related life-saving appropriations riders remain in place during the 117th Congress and beyond. The USCCB will oppose any bill that expands taxpayer funding of abortion, including any appropriations bill.

Conclusion

It is the mission of the Catholic Church to bring to the present times the teachings of Jesus Christ, which remind us daily of how all are created in God's image and every human person deserves to be treated with respect, consistent with their inherent dignity. The work of the USCCB and COM on behalf of immigrants,

⁵ USCCB/COM urges at least these levels of funding for these accounts. Refugee Council USA, of which USCCB is a member, is urging higher levels of \$4.1 billion for MRA, \$5.27 billion for IDA, and \$50 million for ERMA. They also have sound rationale for those requests.

refugees, unaccompanied children, and trafficking victims is part of our ongoing effort to live out this teaching. **As a Church at the service of all God's people, the United States Conference of Catholic Bishops (USCCB) stands ready to work with the leaders of both parties to protect marginalized people, promote human life and dignity, and advance the common good.**

Thank you for considering our recommendations.

Sincerely,

A handwritten signature in black ink, appearing to read "Mario E. Dorsonville". The signature is fluid and cursive, with a large initial "M" and a long, sweeping tail.

Most Reverend Mario E. Dorsonville
Auxiliary Bishop of Washington
Chairman, Committee on Migration