



Migration Advocacy

Table of Contents

[Backgrounder](#) | *Immigration policy in the United States is complicated and often confusing. This backgrounder provides context for immigration policy and realities as it stands today, to provide some clarity as you prepare for your advocacy visit.*

[Talking Points](#) | *For your advocacy visit*

[Leave Behind](#) | *Download the pdf (left) to share as an attachment when you send follow up emails for your meetings!*

ACCESS TO ASYLUM

WHAT IS AN ASYLUM SEEKER?

An asylum seeker is someone who has been forced to leave their country **who is directly seeking legal status while in the U.S., or arriving at the border**. In order to obtain this status, they must go to a U.S. court and claim asylum.

To gain asylum in the U.S, a person must prove that they have:

- A well-founded fear of persecution that is due to race, religion, nationality, political opinion, or membership in a particular social group; their own government must be unable or unwilling to protect them from that persecution
- Generalized violence, resisting gang recruitment, or escaping extortion in and of themselves are not currently recognized as grounds for asylum

ASYLUM PROCESS

People detained at the border generally have to seek defensive asylum, which means that they have to argue their case in front of an immigration judge. Unlike criminal defendants, in immigration court, the government does not provide free legal representation to people fighting their cases. So asylum seekers either have to pay thousands of dollars for a private attorney, rely on the limited resources of community organizations, or represent themselves in court.

- At least one in five asylum seekers appear in court without an attorney
- 90% of asylum seekers without legal representation lose their cases in court, compared to 54% of those who do have an attorney
- Only 17% of asylum seekers in detention win their asylum cases, and only 7% of those in detention who don't have attorneys win their case.

CHANGES IN ASYLUM

- In mid-March of 2020, the Trump Administration implemented Title 42, a policy that allows the U.S. border to be closed to prevent the spread of COVID-19. Under Title 42, the U.S. has expelled migrants, without access to due process, over 400,000 times at the U.S.-Mexico border.
- This means that all migrants are denied entry to process their asylum requests, including migrants who cross through the desert and express fear of returning to Mexico or their country of origin to U.S. federal agents. Then they are deported to the very same dangerous place they are trying to escape.
- During President Biden's campaign, he said on many occasions he would end Title 42 during his first 100 days in office. Yet in August 2021, the Biden Administration renewed Title 42.
- Finally, in April 2022, the Administration announced it would terminate Title 42. However, this positive step forward has yet to be enacted, as a Louisiana federal judge blocked the administration's attempt to repeal Title 42, citing a violation in administrative law. Further, over 20 Republican- controlled states sued the administration for its attempt to repeal Title 42 and Senators have proposed bipartisan legislation to extend Title 42.

PATHWAY TO CITIZENSHIP

There are [over 10 million undocumented immigrants](#) in the U.S. without a pathway to citizenship. Congress must pass legislation that will allow undocumented immigrants, DACA recipients, TPS holders, farmworkers, and undocumented essential workers to obtain citizenship, ensuring its affordability for all regardless of economic status, and guaranteeing that all immigrants are treated with dignity and respect.

FAMILIES AND COMMUNITIES TORN APART:

Our faith recognizes family as the cornerstone of community, but we see hundreds of thousands of families being separated by our broken immigration system.

- 16.6 million people are in “mixed-status” families, with at least one member who is undocumented. Nine million mixed-status families have at least one U.S.-born child. [Pew Research Hispanic Center]
- Increased enforcement actions, combined with significantly broadened priorities for enforcement and the termination or weakening of temporary protections, have been detrimental to families and communities. An estimated 78% of people deported to Mexico are separated from their U.S.-born children. On average the parents have lived nearly 20 years in the U.S. and 48% report that their children experience difficulty in school as a result of their deportation [KBI, Center for Migration Studies, Office of Justice and Ecology]
- Shortages of family-based visas, which are financially out of reach for many, and backlogs at U.S. Citizenship and Immigration Services (USCIS) of up to 22 years force family members to choose between being separated for extended periods of time or entering the country without documentation. [Bread for the World]

TEMPORARY STATUS:

The U.S. does offer some times of temporary legal status, including:

- **Deferred Action for Childhood Arrivals (DACA)** has allowed nearly 800,000 eligible undocumented young immigrants be protected from deportation and obtain work authorization for two years. After those two years they can renew their DACA status if they continue to qualify. DACA is not a path to citizenship and recipients live in continued uncertainty. For the past four years, the DACA program has gone through a rollercoaster of federal court lawsuits and changes to the program. Currently no initial DACA applications are being accepted and there continues to be uncertainty about the DACA program.
- **Temporary Protected Status (TPS)** is a life-saving immigration program that allows foreign nationals to remain in the U.S. if, while they were in the U.S., something catastrophic happened in their country of origin that prevented their safe return. It was created by a bipartisan act of Congress in 1990, allowing the Department of Homeland Security to grant the status when disasters strike. In the last four years, there have been countless federal court cases to protect TPS holders and the countries they are designated to. Currently Haiti, El Salvador, Syria, Nepal, Honduras, Yemen, Somalia, Sudan, Nicaragua, Myanmar, South Sudan, and Venezuela are all countries from which qualified people can apply for TPS.

VALUE OF WORK DENIED AND WORKERS EXPLOITED:

Migrant men and women are an integral part of the U.S. economy, yet there is a general failure to recognize their value. Because many migrants live in the shadows of society with no pathway to obtaining citizenship, they are often subject to exploitation (e.g., not paid, wage theft) that is inconsistent with Catholic Social Teaching that work provides dignity and that all have the right to dignified work.



MIGRATION TALKING POINTS

Purpose of Visit:

We stand with Pope Francis, the U.S. Catholic Bishops, and the U.S. Jesuit Provincials in asking for immigration policy that honors the human dignity and family unity of migrants.

Our Faith Teaches That We Must Welcome Those Who Migrate:

In his message for the 2019 World Day of Migrants and Refugees, Pope Francis said, "We ourselves need to see, and then to enable others to see, that migrants and refugees do not only represent a problem to be solved but are brothers and sisters to be welcomed, respected, and loved. They are an occasion that Providence gives us to help build a more just society, a more perfect democracy, a more united country, a more fraternal world, and a more open and evangelical Christian community."

Personal Testimony (if applicable):

Personalize the issue by sharing your story or the story of someone you know who is directly affected by immigration policy or the conditions that fuel migration.

What we see:

BORDER

Asylum Process: Our faith calls us to welcome the stranger and treat our neighbor as we would like to be treated. For the past three years, the United States has introduced policies like metering, "Remain in Mexico," and Title 42 that have denied entry to asylum seekers at the U.S.-Mexican border. The Biden Administration has rolled back metering and Remain in Mexico, but Title 42 remains. On a few occasions both President Biden and Vice President Harris have told asylum seekers not to come to the U.S.

INTERIOR

Support Legislation that Creates a Pathway to Citizenship for Undocumented Immigrants: Our immigration system is broken. There are [over 10 million undocumented immigrants](#) in the U.S. without a pathway to citizenship. Congress must pass legislation that will allow undocumented immigrants, DACA recipients, TPS holders, farmworkers, and undocumented essential workers to obtain citizenship, ensuring its affordability for all regardless of economic status, and guaranteeing that all immigrants are treated with dignity and respect.

ASK: Will the Senator / Representative publicly support the following compassionate principles that respond to the immediate needs of immigrant community members?

- Support policies that restore access to asylum and due process for migrants, especially vulnerable populations.
- Support legislation that creates a pathway to citizenship for undocumented immigrants, DACA recipients, TPS holders, farmworkers, and undocumented essential workers.