Alternative Pathways for Arrivals at the Border: A Holistic Response to Increasing Migration in the Western Hemisphere

Introduction

The U.S. faces a significant and complex challenge responding to increasing irregular migration at its southwest border.

Migrants are now arriving at the border from all over the hemisphere, driven by different — and intersecting — rationales. They are fleeing violence, persecution, poverty, corruption, and climate change; they are seeking safety, opportunity, reunification, and employment.

Our border processing infrastructure, designed after the 9/11 attacks to prevent the entry of terrorists and to respond mostly to single adults arriving from Mexico, has proven to be inadequate in the context of the recent increases in arrivals – most of which occur between official crossing points.

When the processing of these irregular entrants breaks down, vulnerable migrants are held for prolonged periods in makeshift and sometimes inhumane border facilities — or left without shelter at all in some recent squalid and chaotic scenes. The asylum system faces enormous strain, unable to provide timely protection to those in need or to effectively deny those who are not eligible for relief.

These challenges have also led to an increasingly combative debate about border security and asylum reform which has threatened to undermine the rest of the conversation around needed immigration reforms. While discussion of improvements to border and asylum policy are necessary during these times of influx, focusing exclusively on these issues without considering other needed reforms is a mistake. The challenges we face at the southwest border are part of a much bigger story — one that concerns Western Hemispheric migration trends and limited alternative pathways for migrants seeking to enter the U.S.

Arrivals at the U.S.-Mexico border — while significant — represent only a small fraction of irregular migration in the hemisphere. The subset of migrants arriving at the U.S. southwest border endure the treacherous journey to the U.S. largely because they have specific reasons to come: They have family ties, or they are seeking employment opportunities, or — increasingly — conditions have become so untenable in their home countries that they simply can no longer find safety elsewhere in the region.

U.S. immigration law includes family-based, employment-based, and humanitarian pathways that ideally could provide options for many of these irregular migrants. But existing pathways are outdated and slow-moving, with limited eligibility and impractical requirements. They offer no real alternative for many prospective migrants. For many of them, there is no line to get into — no “right way” to come to the U.S.

This paper seeks to place challenges at the U.S. southwest border into a hemispheric context and examine the various alternative pathways migrants in the region have to lawfully come to the U.S. Analyzing the current state of these existing pathways, it notes ongoing challenges and limitations, describing their current usage and peak capacity. Finally, the paper proposes concrete solutions for the Biden administration to bolster existing alternative pathways and build out new ones to respond to the current moment.

Part 1: The Scope of the Challenge

Irregular migration at the U.S. southwest border must be understood in the scope of broader hemispheric migration and refugee trends.

There are over 18 million displaced people in the Western Hemisphere. Those who attempt the journey to the U.S. border often come because they are fleeing danger or because they are escaping desperate economic circumstances or seeking to reunite with family in the U.S. Increasingly, migrants make this journey because they have no other options.

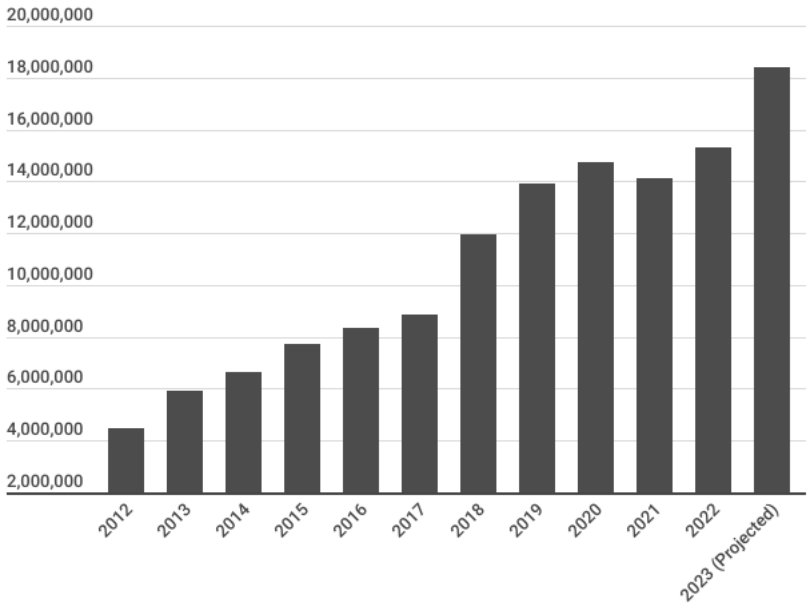
Those making the journey to the U.S.-Mexico border face danger and exploitation along the way. Once they arrive at the border, most are unable to obtain humanitarian relief or lawful status in the U.S. and often face deportation and removal. Further, as more and more displaced people throughout the region seek protection and/or work in the U.S., the scale of the challenges faced by the U.S. government and border communities has grown, creating significant logistical, humanitarian, and security challenges.

A. Hemispheric Migration Trends

Migration is on the rise around the world. The International Organization for Migration (IOM) estimates that there are now 281 million people who live in countries other than their countries of birth, three times the number in 1970. One of the central drivers of this overall increase in migration is a rise in the forcible displacement of people from their homes: an estimated 103 million people have been forcibly displaced worldwide due to war, civil strife, persecution, human rights abuses, and natural disasters.

The Americas have been no exception to this trend. The U.N. High Commissioner for Refugees (UNHCR) estimates that in 2023 there will be 18.4 million "persons of concern" in the Western Hemisphere, a figure which includes refugees, asylum seekers, and other internally displaced persons (IDPs). This represents approximately 16% of all displacement around the world. A decade ago, displacement in the Americas and around the world was much lower. In 2012, UNHCR estimated the Americas were home to approximately 4.5 million displaced persons, representing 12% of the total worldwide.

Chart 1: Growing Displacement in the Hemisphere



Sources: UNHCR Data portal, UNHCR Projected 2023 Resettlement Needs

The refugee crisis in Venezuela is the largest in the hemisphere and in recent years has grown to one of the largest in the world. Well over 7 million Venezuelans have been forced to leave the country, fleeing growing violence, corruption, food insecurity, a decimated economy, and a lack of medicine and other essential services under the increasingly brutal Maduro regime.

Other major sources of migration and forced displacement in the region include economic crises and rising levels of repression in Cuba and Haiti, and pervasive corruption and gang violence in the Northern Triangle countries of Guatemala, Honduras and El Salvador. Several of these countries have also recently suffered major climate catastrophes in the form of hurricanes and droughts. Conditions have worsened throughout the region as increasingly dire economic conditions have spurred further insecurity, leading to protests and prompting more brutal repression.

Many migrants and displaced persons throughout the Western Hemisphere — particularly those in South America — remain either near their country of origin and do not journey north to the U.S. or Canada. For example, over 5 million (or 83%) of displaced Venezuelans remain in the region, largely in nearby countries like Colombia, Brazil, Peru, and Ecuador. Costa Rica receives eight times more asylum requests per capita than the U.S.

Several countries in Central and South America (but not the U.S.) are signatories to the Cartagena Declaration on Refugees of 1984, a regional agreement that requires signatories to abide by the 1951 United Nations Convention on Refugees (the international standard) and also to expand protections to some of those at risk who fall outside the 1951 Convention's definition — including victims of generalized violence and those facing displacement due to "other circumstances which have seriously disturbed public order." This broader definition has been interpreted to include those displaced due to natural disasters and climate change.

Despite the Cartagena Declaration, formal asylum and refugee resettlement operations in the region have remained limited, with many signatories choosing to offer alternative humanitarian pathways outside of official asylum and refugee status determinations. These pathways do not promise the same protections as formal refugee status, but they do offer expanded eligibility,

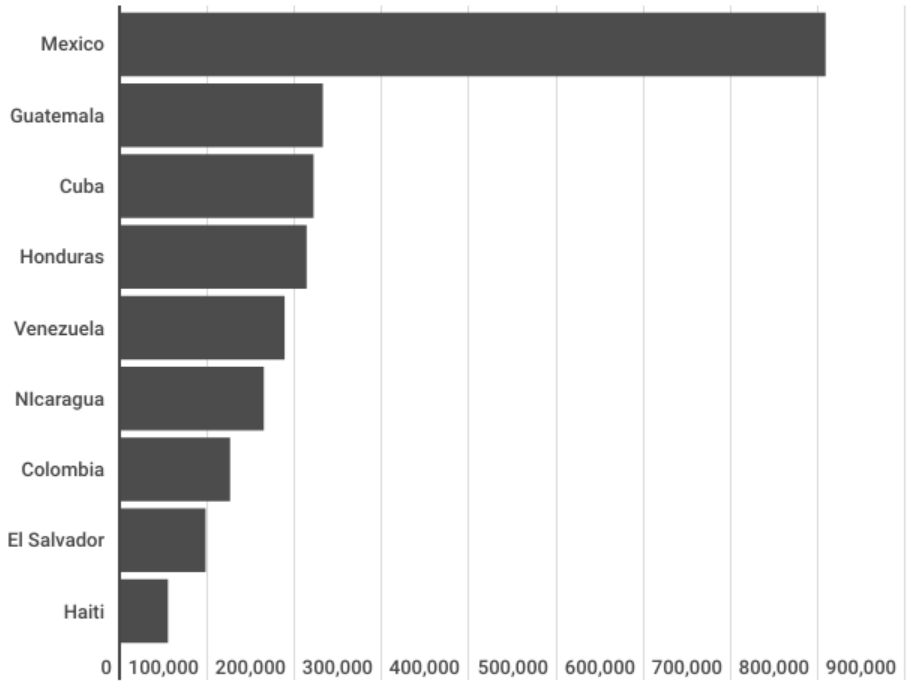
keeping with the spirit of the Cartagena Declaration. Due to its limited operations in the hemisphere, UNHCR estimates it will identify only 77,830 refugees from the Western Hemisphere whom the agency will have capacity to support resettling in 2023. Per UNHCR, the remainder will remain in the region "in various types of regular and irregular stay arrangements."

B. The Journey to the U.S. Southwest Border

Migrant arrivals at the U.S. southwest border represent a subset of the overall migration in the Western Hemisphere. In Fiscal Year (FY) 2022, the U.S. Department of Homeland Security (DHS) documented 2.38 million total encounters at the U.S.-Mexico border. Due in part to limited capacity to process asylum claims at ports of entry and ongoing metering policies, 2.21 million of the encounters (93%) occurred between ports of entry.

These FY 2022 arrivals at the U.S. southwest border were overwhelmingly (94%) from the Western Hemisphere. In keeping with hemispheric migration trends, encounters at the border in FY 2022 demonstrate a demographic shift. The numbers represent a 37% overall increase from a year ago, with particularly noteworthy increases coming from Cuba, Venezuela, Colombia, and Nicaragua. Encounters with migrants from Mexico, Honduras, Guatemala, and El Salvador remained high.

Chart 2: Migrant Arrivals at the Border by Nationality (FY 2022)



Sources: CBP Data

The journey to the U.S. southwest border is a long and treacherous one for most migrants – leading the IOM to label that border the "deadliest land crossing in the world." To make it across that border, migrants must navigate exploitative smuggling rings and cartels, evade governmental enforcement efforts in transit countries, and survive extreme weather conditions

and physically arduous circumstances. Those attempting to migrate from South America must survive additional challenges, including crossing the Darién Gap, a 60-plus mile jungle footpath plagued by dangerous wild animals, criminal organizations, and grueling terrain. As U.S. ports of entry remain largely closed to those seeking humanitarian relief, many migrants seeking to enter the U.S. hire smugglers to aid them in crossing between ports of entry, often in remote areas. Sadly, many do not survive the journey, with a record number of migrants dying attempting to cross the U.S.-Mexico border in FY 2022, shattering the previous record set in FY 2021.

For those who do manage to cross into the U.S., the only real option to remain lawfully is to apply for asylum or other humanitarian protections (such as those offered under Withholding of Removal or the Convention Against Torture). In FY 2022, over 1 million migrants (45% of all encounters) were not given the option to make such a claim and were instead immediately expelled under a Trump-era health policy called Title 42, which permits U.S. Customs and Border Protection (CBP) to deny individuals entrance into the United States in order to "prevent [the] spread of communicable disease." Those not immediately expelled were held in substandard Border Patrol facilities upon arrival, screened, and ultimately released to face removal proceedings in the U.S., where they can make asylum or other humanitarian claims before an immigration judge. In FY 2022, a record 255,052 individuals filed for asylum in immigration court.

Legal representation in these cases is not guaranteed, and most migrants are not able to find attorneys to assist with their claims — a key component of advancing a successful humanitarian claim. The process is extremely backlogged, takes years to complete, and many of those who do finally receive decisions have their claims rejected and are ordered removed. Some do not qualify for protection, others have valid claims but do not receive relief due to inability to secure counsel or numerous other factors preventing them from making their case effectively. Those waiting for their claims to be adjudicated are barred from receiving work authorization for 6 months, and processing delays mean accessing the ability to work regularly takes well over a year. Some asylum seekers end up on the street.

C. Few Options Available

The path for irregular migrants to and across the U.S. southwest border is not forgiving. It is extremely dangerous, expensive, and rarely ends in protective status or the ability to easily make a new life in the U.S. These have been the circumstances for multiple years at the border — so why do so many still embark on the journey?

There are many interacting push and pull factors that drive migration and displacement across the Western Hemisphere. Migrants are also victim to misinformation campaigns from smuggling organizations urging them to come to the U.S. and falsely promising they will be permitted to stay. However, the group of migrants who do choose to travel to the border — only a fraction of those displaced across the hemisphere — often do so for a specific set of interacting reasons:

Unable to find safety closer to home: While millions of displaced persons throughout the Western Hemisphere do first seek protection in nearby or neighboring countries, these countries may not be able to ensure the safety and opportunity needed to build a new life. There are several examples of this dynamic. Those fleeing gang violence in El Salvador may continue to be targeted by the same gangs elsewhere in the country or in Honduras and Guatemala. Many of the millions of displaced Venezuelans seek protection in Columbia — a country experiencing its

own human rights crisis amid increasing violence and repression. Many migrants who attempt to stay in Mexico under humanitarian visas or via asylum applications are often targeted by cartels and criminal organizations for discrimination and exploitation. The U.S. is one of the safest countries in the hemisphere and has the most robust asylum system — it stands to reason those who simply cannot find protection elsewhere would attempt the journey to the U.S. southwest border.

Family ties: Another key reason displaced migrants in the hemisphere make the dangerous journey to the U.S. is to reconnect with family already living here. A Congressional Research Service report on the factors driving migration to the border notes that family ties are a key driver of migratory flows. Some migrant demographics are more likely to have family members in the U.S than others. For example, most arriving unaccompanied children have a parent or other family member already in the country.

Employment opportunities: Most surveys of arriving migrants suggest that economic opportunity plays a key role in driving some migrants to the border. Steady work in the U.S. allows migrants to provide for their families back at home, and remittances are a major economic force in the hemisphere.

Safety, family, and employment are three key drivers of migration to the U.S. But these factors alone do not explain why migrants attempt to migrate irregularly and between ports of entry. Under current policies, that journey provides little guaranteed safety or likelihood that migrants will be able to stay to work or be reunited with family. So why do migrants still make the journey in large numbers? Because they often have no alternatives.

When there are viable alternative pathways for groups of migrants to come to the U.S. safely for work, family, or humanitarian protection, irregular arrivals at the border decline. Available evidence suggests that a lack of available pathways — an absence of alternative options — is driving a significant amount of the irregular migration between ports of entry.

Part 2: Taking Stock of Existing Alternative Pathways

The U.S. immigration system includes some alternative pathways for those seeking safety, employment, family reunification, or a combination of the three. Taking stock of each of these pathways, we use available data to analyze the current usage of these pathways, their peak use in recent years, and the challenges and limitations preventing migrants from using them as an alternative to irregular migration.

A. Humanitarian Pathways

Humanitarian pathways include refugee resettlement and asylum and are designed to offer permanent protections in the U.S. to those fleeing persecution.

1. Refugee Resettlement

Current Use: 2,485 per year (FY 2022)

Peak Use: 7,629 per year (FY 1995)

Limitations: Lack of resources devoted to refugee resettlement in the Western Hemisphere from both the U.S. and UNHCR. There is also a lack of access to safe in-country and third-

country processing and significant backlogs across the system. The resettlement process has severely limited capacity and takes years to complete.

Summary:

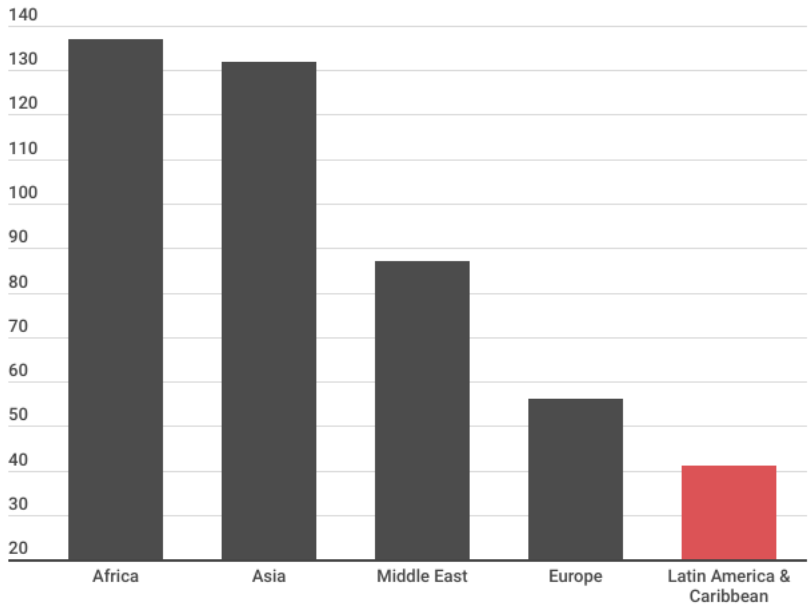
The U.S. Refugee Admissions Program (USRAP) is an alternative humanitarian pathway that was available to 2,485 migrants in FY 2022 who may have otherwise attempted to travel to the U.S. southwest border. In recent history, the peak number of Western Hemisphere refugees admitted into the U.S. was in 1995, when 7,629 were admitted.

USRAP is often raised as a potential alternative to irregular migration at the border. The refugee admissions process follows similar eligibility requirements as the asylum system and is designed to protect those fleeing persecution. Refugees brought to the U.S. receive permanent protections and access to benefits and work authorization. USRAP also represents a form of "third country processing," in which displaced people can apply for protections from a third country where they have found temporary protection.

However, as it is currently constructed and resourced, the refugee resettlement system fails to offer a viable alternative to most prospective migrants in the Western Hemisphere. Challenges facing USRAP are exacerbated in the Western Hemisphere by a long-time lack of emphasis and resources devoted to the region. This problem begins at the first step of the admissions process: Referral into the pipeline. Most refugees are identified as in need of resettlement by UNHCR or a designated NGO and subsequently referred by UNHCR to USRAP for resettlement. However, due to relatively limited processing capacity and operations in the region, UNHCR is unable to identify and refer most of those who might be eligible in the region. In recent years, the agency has only referred a few thousand prospective refugees to USRAP annually.

One reason for the lack of USRAP and UNHCR processing capacity in the region is that most resources have been focused on crises in the Middle East and Africa. This situation arose, in part, because there was less of a need of a robust USRAP and UNHCR presence in the Western Hemisphere where there were far fewer displaced people in decades past. Another shortcoming, related to the Western Hemisphere's history of having fewer displaced people than elsewhere, is the limited infrastructure and personnel in place to process resettlement cases in the region. UNHCR does not have a large resettlement team in many locations across the region and USRAP refugee officers infrequently travel to the Western Hemisphere to conduct interviews and initiate processing.

Chart 3: Refugee Processing Circuit Rides by Region (FY 2016-2020)



Sources: USCIS Data

Another reason for the inadequacy of Western Hemisphere refugee resettlement to match current flows of refugees is that USRAP overall remains sluggish and heavily backlogged and has been unable to fully recover from Trump-era restrictions and the COVID-19 pandemic. Only 25,465 total refugees overall were resettled in FY 2022, and through the first two months of FY 2023 the program is on track to resettle just 26,082. The process can take multiple years from start to finish as vetting and security processes remain uncoordinated and necessary interviews and medical screening steps are heavily delayed.

Despite these challenges, there is room to grow refugee resettlement from the region. In FY 2022, the U.S. had 99,535 spaces left unfilled to meet its refugee admissions ceiling, which had been set at 125,000. In 2023, UNHCR anticipates identifying 31,690 cases representing 77,830 refugees in need of resettlement from the hemisphere. The U.S. recently pledged to resettle 20,000 refugees from the region in FY 2023 and 2024.

2. Port of Entry Processing

Current Use: 147,085 per year (FY 2022)

Peak Use: 360,372 per year (Rate from April 2022)

Limitations: Understaffed and outdated infrastructure at ports of entry. Restrictive metering policies limit access for many seeking relief. Individuals must ultimately find protection through overburdened asylum system or other pathways.

Summary:

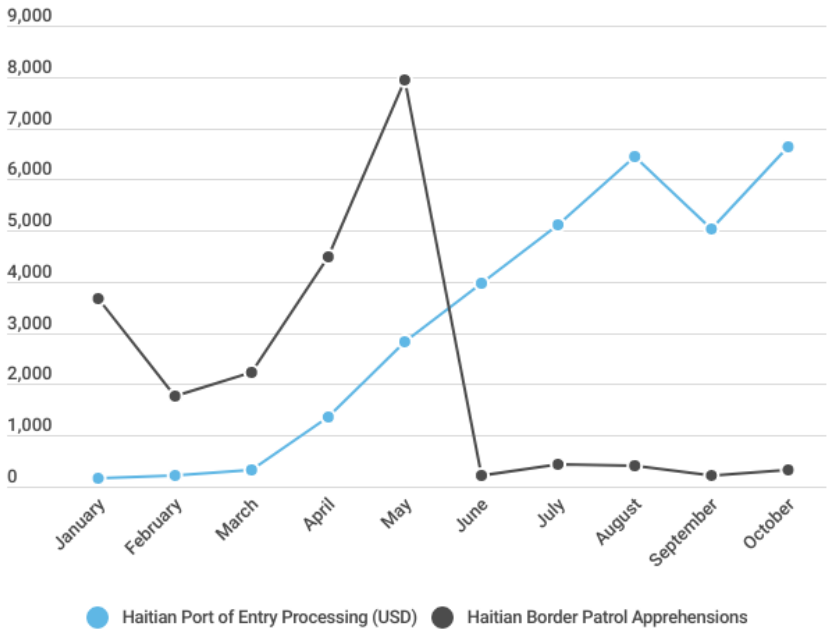
Processing asylum and other protection claims[1] at ports of entry is an alternative humanitarian pathway that was available to 147,085 migrants in FY 2022 who may have otherwise attempted to cross the U.S. southwest border between ports. In recent history, the peak number of

[1] Other protective claims at ports include withholding of removal, Convention Against Torture (CAT) claims, and humanitarian parole.

migrants processed at ports of entry came in April 2022, when 30,031 mostly Ukrainian migrants were processed at ports after fleeing through Mexico to the southwest border (At-risk Ukrainians came in great numbers to the border prior to the introduction of a parole program that allowed them to fly to the U.S.). The ports were able to handle this increased processing load effectively, and extrapolating out to a full year, processing protection claims at this rate would lead to a theoretical peak level of 360,372 individuals being processed in a year.

While processing at ports of entry still involves migrants traveling to the border, it should be considered an important alternative to those attempting to cross between ports of entry. Processing at ports of entry is more orderly and humane; it does not overburden Border Patrol with migrant processing duties, instead channeling migrants to Office of Field Operation (OFO) officials. OFO makes use of technology like the CBPOne app that allows migrants to securely submit biometric and biographic information ahead of time, allowing for more streamlined and orderly processing. It also negates the need for asylum seekers to surreptitiously cross the border to turn themselves into Border Patrol officers – undercutting demand for smugglers aiding border crossings. Recent encounter data suggests that expanding access to port of entry processing reduces attempts to cross between ports. When the U.S. opened port of entry processing to Haitian asylum seekers in June 2022, Haitians crossing between ports of entry plummeted to almost zero.

Chart 4: Port Processing of Haitians Correlates with Decline in Irregular Migration



Sources: CBP Data

However, due to capacity limitations, port of entry processing continues to be the exception rather than the rule at the border. Due to Title 42 and expedited removal policies, most arriving migrants from the hemisphere are turned away from ports of entry, and those few who are eligible for processing are placed into lengthy "metering" lines — a policy under which CBP limits the number of asylum seekers who can be processed at a given port of entry each day. Without modernization and resource infusion, ports of entry lack significant capacity or

personnel to assist with large-scale processing — and must focus much of the resources they do have on ensuring efficient and secure cross-border trade and travel.

Another limitation of port of entry processing is that the administration has limited tools to process arriving individuals, and so arrivals are still processed for short-term parole and/or removal and asylum proceedings. Therefore, migrants using this pathway continue to face the same overburdened asylum system described above. U.S. immigration judges made a record 51,607 total decisions to grant or deny asylum in FY 2022, a number still far below the number of new filings.

B. Family- and Employment-Based Visa Pathways

Family and employment visa pathways are temporary and permanent lawful pathways to the U.S. for work and family reunification.

3. Nonimmigrant Work Visas

Current use: 380,791 (FY 2021)

Peak use: 380,791 (FY 2021)

Limitations: Limited availability, with Mexicans representing the vast majority of visa holders. Does not provide permanent protections and requires regular returns to countries of origin.

Summary:

Temporary work visas, including H-2A and H-2B visas, are an alternative employment-based pathway that was available to 380,791 migrants in FY 2021 who may have otherwise attempted to travel to and cross the southwest border between ports of entry (*i.e.*, those from top-sending countries of Mexico, Guatemala, Cuba, Honduras, Venezuela, Nicaragua, Colombia, El Salvador, and Haiti). Due to a significant increase in usage of the uncapped H-2A seasonal agriculture work visa in recent years, FY 2021 also represented a peak in the issuance of visas within this group. (Complete FY 2022 data is not yet available at time of publishing).

Temporary work visas are a critical alternative for some migrants who may otherwise choose irregular migration to the border, particularly those who arrive in the U.S. seeking economic opportunity. The visas allow prospective migrants to connect with employers and immediately begin work in the U.S., with requirements of reasonable pay and protection from exploitation. Significant evidence suggests that increasing access to temporary worker pathways reduces irregular migration at the border.

However, current temporary work visa pathways are unavailable to most. They have limited availability, they are dominated by migrants from one country – Mexico – and they are not a viable alternative for most prospective migrants – including those fleeing persecution and violence.

The most used temporary work visas in the hemisphere are the H-2A visa and the H-2B seasonal nonagricultural visa. The H-2B visa is capped by statute at just 66,000 annually, although Congress often allows the administration to add a number of additional visas as the cap is reached. The H-2A visa is uncapped, but its use is limited by outdated and onerous requirements that can make it unappealing to both workers and employers.

Both visas are issued predominantly to Mexicans. In FY 2020, over 90% of H-2As and 70% of H-2Bs were issued to Mexican workers. No other top migrant-sending countries accounts for more than 4% of either H-2A or H-2B issuances, and several countries are almost completely cut off from access. One reason for this is the lack of recruitment infrastructure outside of Mexico, where there are strong pre-existing pipelines and recruiting organizations in place. Even when visas have been reserved for other migrant-sending countries in the region in recent years, many have gone unused due to this lack of infrastructure to match potential employees with employers in the U.S.
Finally, it is important to remember that while temporary employment visas can serve as an alternative pathway for some migrants, they do not present a realistic option for those who are permanently displaced or fleeing persecution and violence. These pathways require migrants to return regularly to their home countries and do not provide immediate or lasting protections.

4. Permanent Family and Employment Preference Visas

Current use: 17,630 (FY 2021)

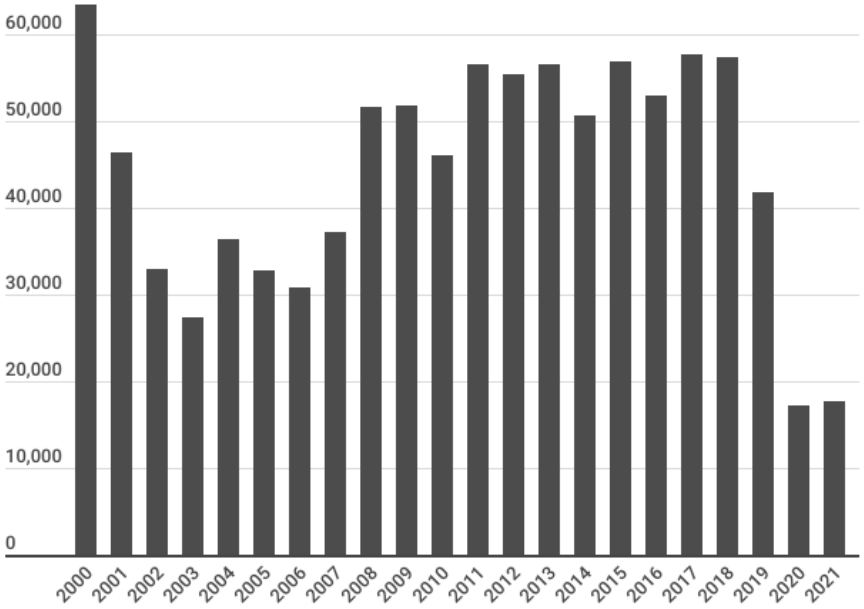
Peak use: 63,420 (FY 2000)

Limitations: Very limited eligibility, as family sponsors must be U.S. citizens or permanent residents. Some family visa categories are heavily backlogged, leaving applicants waiting for years or even decades. Applying for these visas is reliant on consular processing, which itself can take a long time. As vulnerable applicants wait for their visas to process or navigate backlogs, there is no guarantee of safety for them.

Summary:

Permanent immigrant visas represent an alternative pathway that was available to 17,630 migrants from top-sending countries in FY 2021 who may have otherwise attempted to travel to and cross the U.S. southwest border between ports of entry. This total, less than a third of peak levels, reflects recent declines in total issuances of immigrant visas due to COVID-19-related processing delays (which persisted in FY 2022). Close to 60,000 such visas were issued to individuals from top-sending countries as recently as FY 2018, with visa issuances peaking above 63,000 in FY 2000 and at or near 50,000 several times in the last two decades. FY 2022 data is not yet available, although reports suggest global processing rebounded from pandemic-era declines.

Chart 5: Immigrant Visa Issuances to Top-Sending Countries



Sources: Reports of the Visa Office 2000-2021

Given that family ties and employment opportunities are key drivers of irregular migration to the U.S., permanent family and employment preference visas should be considered when analyzing alternatives to irregular migration. These visas offer permanent status in the U.S., and particularly the existing family-preference categories have been heavily used throughout the hemisphere.

However, the availability of these permanent visas is extremely limited. Some of the family preference categories are oversubscribed, and per-country caps lead to long backlogs making them unusable for many prospective immigrants. These visas also take time to process, and require extensive documentation and prolonged access to a consulate. For these reasons and others, family and employment preference categories are not an option for most migrants.

Employment-Based (EB) categories are largely reserved for highly educated workers who already have an employment offer from a U.S. employer – rendering them unavailable to most migrants considering crossing the border. Most EB-category visas are issued to those already in the U.S. on temporary visas, and they represent only a small proportion of immigrant visas issued to those from top migrant-sending countries. Instead, most of the permanent immigrant visas issued to this population (97%) are via the family preference categories, which allow U.S. citizens to apply for adult children and siblings and green card holders to apply for spouses and children.

Family preference visas are not available to those without eligible relatives, including those who have close family that are not citizens or permanent residents. Even those who are otherwise eligible often face long backlogs — some Mexican applicants face wait times of over 20 years before their applications are approved. Others fleeing danger or persecution are unable to wait for consular processing to complete or for their relatives to adjust to permanent status and begin applications.

In addition, several consulates in the hemisphere have closed or limited operations due to dangerous conditions, COVID-19, or other issues. For example, the consulate in Caracas, Venezuela suspended operations in 2019, and the consulate in Cuba will not fully reopen to process immigrant visas until 2023.

C. Special Parole Programs

Special parole programs provide temporary and discretionary admission to the U.S. to select groups of migrants for urgent humanitarian reasons or significant public benefit.

5. Private Sponsorship Parole Programs

Current use: 0 (FY 2022)[2]

Peak use: 24,000 (Cap set in FY 2023)

Limitations: Currently there is only one program active in the hemisphere, with restrictive eligibility requirements and a low cap. Unlike refugee status or immigrant visas, these programs only provide temporary protections in the U.S. In addition, the Biden administration has recently made use of the Venezuela program contingent on restrictive asylum policies at the border.

Summary:

Private-sponsorship parole programs are an alternative pathway that is currently available to 24,000 migrants who may have otherwise attempted to travel to and cross the southwest border. Prospective beneficiaries must be nationals of designated countries and have a sponsor in the U.S. who has agreed to provide financial and resettlement support to parolees after they arrive. Recent iterations of the program have provided two years of protection from deportation and access to work authorization in the U.S., but no other benefits.

The only currently active private sponsorship parole program in the hemisphere is a Venezuelan parole program that was launched on October 18, 2022 and initially capped at 24,000. The Venezuelan program is based in part on an uncapped Ukrainian program called Uniting for Ukraine that launched in early 2022 and that has allowed over 50,000 Ukrainians to enter the U.S.

Private sponsorship parole programs are viable alternatives to irregular migration because they provide rapid protections and work authorization to those fleeing danger. Some Venezuelans were approved for travel within days of applying, far outpacing other protective pathways. The programs are also particularly accessible to those who already have family or community ties in the U.S., which make them a good fit for certain groups of prospective migrants. The Venezuela program was explicitly designed as an alternative to irregular migration, and limited data from both Venezuelan and Ukrainian programs does suggest their use resulted in decreasing arrivals at the southwest border.

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[2] This total only reflects use of private sponsorship parole programs from top migrant sending countries (Mexico, Guatemala, Cuba, Honduras, Venezuela, Nicaragua, Colombia, El Salvador, Haiti) in FY 2022. A similar program, Uniting for Ukraine, was used for over 50,000 Ukrainians in FY 2022, and the Venezuelan private sponsorship parole program is on pace to resettle its cap of 24,000 in FY 2023.

However, limited eligibility and access constraints to the current iteration of the Venezuelan program raise concerns regarding whether it can sustainably serve as an alternative to irregular migration at the border. The Venezuelan program was also initiated contingent on an expansion of Title 42 expulsions of Venezuelans arriving at the border, obscuring its impact on border arrival totals.

As of this writing, the October private sponsorship parole program is limited to Venezuelans who have a valid passport and a sponsor in the U.S. who have agreed to provide financial and resettlement assistance upon arrival. The program is capped at 24,000 and provides only two years of protection from deportation and the ability to apply for work authorization in the U.S. Applicants must not have crossed irregularly into Mexico, the U.S., or Panama and must pay for their own airfare to the U.S.

Migrants making the dangerous journey to the U.S. from Venezuela are among the poorest and most vulnerable migrants in the hemisphere. A large proportion of them are unlikely to be able to meet the requirements or afford to access the program. Those who do enter via the program will only have temporary protections, meaning they will likely have to go through the overburdened asylum or family visa pathways — if eligible — to find permanent protections in the U.S.

According to reports in late November 2022, the administration is considering raising the cap of the program and expanding it to other major sending countries in the hemisphere (such as Nicaragua).

6. Family-Based Parole Programs

Current use: 0 (FY 2022)

Peak use: approximately 50,000 (FY 2016)[3]

Limitations: Significant efficiency concerns, lack of scale, limited eligibility requirements

Summary:

The Biden administration has recently relaunched several family-based parole programs in the Western Hemisphere, although in late 2022 it is unclear if any are operational to the point of providing a realistic alternative pathway to migrants who might otherwise attempt to travel to and cross the southwest border. The Central American Minors Refugee/Parole Program (CAM), the Cuban Family Reunification Parole Program (CFRP), and the Haitian Family Reunification Parole Program (HFRP) each aim to provide timely, safe, and orderly reunifications for individuals from particular countries who are dealing with humanitarian crises and who have family in the U.S.

CAM — which operated from 2014 to 2017 and was relaunched in 2021 — provides children stranded in dangerous conditions in El Salvador, Guatemala, and Honduras an opportunity to be admitted into the U.S. as either refugees or under temporary, 3-year parole. The program allows lawfully present parents or guardians to petition for their children. Through 2017, 1,627 CAM applicants had resettled in the U.S. as refugees and 1,465 were reunited through parole. According to an IRAP report from September 2022, it appears that zero applicants have been

[3] Assuming 20,000 entered via the CFRP

reunited with their parents since the program reopened to new applicants. This is in part because the administration has been working to process pending applicants who were left in limbo when the Trump administration suddenly ended the program in 2017 — however, the lack of any new applicants completing processing more than a year into the relaunch of the program is concerning and suggests its ineffectiveness.

CFRP and HFRP were announced in late 2022 after being suspended in 2018 and 2019, respectively. Both are for petitioners with family-based immigrant visa applications who do not have visas available to them due to backlogs or consular delays. Neither have yet processed or invited additional applications, but HFRP provided approximately 23,993 beneficiaries to enter the U.S. between 2015 and 2016. There is little publicly available data on the number of annual CFRP beneficiaries.

These family-based parole programs, if provided proper resources and attention, can be effective alternative pathways for certain eligible prospective migrants. Parole programs designed to reunite families are a particularly effective use of parole, as beneficiaries have family members who can support them upon their arrival and in many cases their temporary protections can lead to permanent status via family-based immigration visas.

But lingering concerns persist related to efficiency and access. These programs tend to take longer to process than other special parole programs — with CAM taking an especially long time as it incorporates a lengthy refugee status determination — and they are narrowly targeted. HFRP and CFRP beneficiaries must have existing family-based green card eligibility, and CAM is limited to those from the Northern Triangle. The lengthy processing time limits access to those fleeing imminent danger.

D. In-Country and Third-Country Processing

These arrangements include specific attempts to temporarily transfer migrants to safer environments either in-country or in third countries as their applications for protection are processed.

7. Protection Transfer Arrangement

Current use: Data unavailable

Peak use: 600

Challenges: Extremely limited scale

The Protection Transfer Arrangement (PTA) and other forms of innovative in-country and third-country refugee processing have been providing a limited alternative pathway to irregular migration since their launch in 2016. The original PTA was an agreement between the UNHCR, IOM, and the government of Costa Rica to establish a facility that could safely house vulnerable prospective refugees in the region as they went through refugee processing. The Costa Rica facility could hold up to 600 migrants in one year and up to 200 at any one time. Costa Rica served as a safe third country for migrants processed in the facility, who were all from elsewhere.

The PTA responds to a key limitation of refugee processing in the region that may allow USRAP to serve as a more realistic option for many migrants who would otherwise attempt to travel to

the U.S. border. Many of the most vulnerable migrants are unable to wait in dangerous conditions while their claims are processed. The PTA addresses this problem by ensuring safety while cases are processed.

However, the PTA and similar initiatives have thus far been extremely limited in scale. Most governments in the region do not have the resources to ensure safety to large numbers of migrants as they wait for their refugee or other claims are processed. Currently, these agreements only serve to protect a small fraction of the total refugees resettled through USRAP — itself only a small fraction of refugees and forcibly displaced individuals in the area.

Table: Alternative Pathways to Migration at the Border

Alternative Pathways to Migration at the Border	Current Use	Peak Use	Limitations
1. Refugee Resettlement	2,845 (FY 2022)	7,629 (FY 1995)	Lack of resources, lack of access to safe in-country and third-country processing, significant backlogs. Limited capacity and takes years to complete.
2. Port of Entry Processing	147,085 (FY 2022)	360,372 (Rate from April 2022)	Understaffed and outdated infrastructure, metering limits access, asylum/parole problems persist
3. Nonimmigrant Work Visas	380,791 (FY 2021)	380,791 (FY 2021)	Limited availability, lack of recruitment infrastructure outside of Mexico, does not provide permanent protections
4. Permanent Family and Employment Preference Visas	17,630 (FY 2021)	63,420 (FY 2000)	Very limited eligibility, some categories heavily backlogged. Reliant on consular processing and no guarantee of safety during wait for visas
5. Private Sponsorship Parole Programs	0 (FY 2022)	24,000 (Cap set in October 2022)	Only program in hemisphere limited to wealthier, connected Venezuelans. Use currently contingent on draconian asylum restrictions. Does not provide permanent protections
6. Family-Based Parole Programs	0 (FY 2022)	Approx. 50,000 (FY 2016)	Significant efficiency concerns, lack of scale, limited eligibility requirements
7. Protection Transfer Agreements	N/A	600	Extremely limited scale

Part 3: Recommendations

Existing humanitarian pathways, family and employment visas, and special parole programs are key alternatives for migrants who would otherwise attempt to travel to and cross the border between ports. For many, these alternatives represent a safer, more orderly path to the U.S. They provide more guaranteed access to protections, work authorization, and family reunification. Their use reduces pressure at the border and eases strain on our overburdened asylum system.

But each of these pathways are fraught with limitations and challenges that prevent them from serving as truly effective alternatives to irregular migration. Some of these limits are inherent to the pathways themselves — but others can be addressed with thoughtful reform and investment. To build a holistic response to increasing irregular migration in the Western Hemisphere, the U.S. should maximize existing alternatives, make them more accessible and efficient, and build out practical and innovative new pathways. Many of these reforms can be acted on swiftly by the Biden administration and only require congressional action to assist with resourcing and appropriations.

1. **Maximize Existing Pathways**

Many of existing alternative pathways, from refugee resettlement to family-based parole programs, are not currently being used to their demonstrated potential or capacity. In fact, if we calculate from the analysis above the "peak" usage of each alternative pathway in recent history, we find a system capable of providing some alternative to 886,812 migrants who may otherwise attempt to cross the border between ports. However, the most recent data available for FY 2021 and FY 2022 suggest only 547,991 migrants are accessing alternatives to irregular migration via these pathways each year. This means simply maximizing existing pathways could provide new alternatives to tens of thousands of additional people.

For example, the U.S. should:

- Prioritize rebuilding refugee and consular processing that have faced delays and pauses due to the COVID-19 pandemic and Trump-era restrictions.
- Rapidly restart and rebuild processing of existing family-based parole programs like CFRP, HFRP, and CAM that have been slow in getting back off the ground.

2. Ensure Additional Efficiency and Accessibility

Key themes that hold true across many of the alternative pathways are limited access and a lack of timeliness. Temporary work visas are used predominantly by Mexicans even when others should have access, and the private sponsorship parole program is not only capped and limited to Venezuelans — it is limited to relatively wealthy and connected Venezuelans. Refugee resettlement and family preference visas simply take too long to process, preventing those in the most danger from making adequate use of them. To address this challenge, the U.S. can consider a number of reforms and improvements to the existing system.

For example, the U.S. should:

- Work with employers and worker organizations to build out H-2A and H-2B recruiting pipelines in Central and South America.
- Increase the cap of the private sponsorship parole program and open up the program to more vulnerable prospective migrants from additional migrant-sending countries.
- Expedite processing of family visas and refugee resettlement by allowing virtual refugee officer circuit rides and streamlining screening requirements.
- Follow through on commitment to end metering at ports of entry.

3. Explore Creative New Approaches

Responding to increasing migration in the Western Hemisphere and at the U.S. southwest border will require innovation. Existing pathways are critical, but are too limited in scope to serve as a viable alternative for some migrants. To make a more significant impact on the border, the U.S. should consider piloting new alternative pathways or creating significant reforms to existing ones.

For example, the U.S. should:

- Expand in-hemisphere access to the refugee resettlement process via additional priority designations that do not require UNHCR referral, including making use of a long-awaited P-4 private sponsorship initiative.
- Negotiate new bilateral labor agreements (BLAs) with regional governments and consider the creation of new temporary worker visa categories.

- Invest resources and political capital in significantly expanded Protection Transfer Agreements designed for those who are unable to safely apply for protection or status in their country of origin.

Conclusion

Migration is increasingly a fact of life in the Western Hemisphere. Growing violence and instability and a changing climate have displaced millions who must now must build new lives elsewhere. Others are choosing to leave their home countries in greater numbers in search of reunification with family and economic opportunity.

Without a holistic and forward-looking approach to these dynamics, the U.S. will continue to struggle to maintain an orderly, humane, and secure border. The border management and asylum processing system will continue to be overburdened, to the detriment of vulnerable migrants, border personnel, and the immigration reform conversation.

Refugee resettlement, parole, visa programs, port of entry processing, and third-country processing together can serve as multilayered alternatives to the dangerous and chaotic journey to the border. But in their current form, they are too limited to be realistic options for many prospective migrants.

These pathways are not replacements for a well-resourced and humane border or a robust and effective asylum system. They also must be accompanied by regional agreements around standards of care and responsibility sharing — which are outside the scope of this paper.

But the U.S. can and should take the concrete steps required to maximize and improve upon existing alternative pathways. These pathways form a key part of a more comprehensive and forward-thinking response to increasing migration in the hemisphere — and they represent a part of the solution that those on every side of the border debate should agree on.