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2023 Border Delegation Summary

October 19, 2023

On September 27-28, 2023, members of the American Immigration Lawyers Association (AILA) and the American Immigration Council (Council) conducted a border delegation to Tucson and Nogales, Arizona and Nogales, Mexico. In Tucson, the delegation met with U.S. Customs and Border Protection (CBP) officials, toured the two U.S. Border Patrol Tucson Sector Soft-Sided Facilities, met with Pima County officials, Mexican consulate representatives, toured a Casa Alitas shelter and reception center, met with local nonprofit organizations, including the Florence Immigrant & Refugee Rights Project and Kino Border Initiative, and crossed the border into Mexico at Nogales to observe CBP One processing and walk-up procedures.

The following “key takeaways” offer specific observations the delegation saw during the trip. AILA and the Council have also published these resources:

- Policy Brief: [What Does Effective Border Management Look Like?](#)
- [Recommendations to Congress](#) on funding the immigration system
- [Report: Beyond a Border Solution](#)

Key Takeaways

- **Local collaboration is helping manage migration flows.** Pima County local officials and non-profits, working in coordination with federal government officials, have created a highly organized coalition to manage the increased volume of migrants being released into the region. The coalition has avoided any migrants being released in Tucson without transportation and other support. Border Patrol relies on this partnership as the next step once people have been screened and processed for their legal cases.
- **Federal communication with local providers.** Increased communication, cooperation and transparency by CBP and generally the federal government would improve the ability of local government officials and nonprofits to provide vital services to their community. *For example:* accurately informing nonprofits of the number of asylum seekers that will be dropped off at their shelter; ensuring medications follow the asylum seeker from custody to the shelter; and communicating current health screening procedures to local officials.
- **Funding for local communities.** Under the new FEMA-run Shelter and Services Program (SSP), the federal government requires exact alien numbers for each service rendered to a migrant in order for local providers to receive reimbursement. Any mismatched, or missing A numbers results in lost funding for localities. Currently, CBP refuses to provide a list of A numbers for people they release to local shelters, which can cause compliance problems as shelter providers and county officials reported instances of CBP paperwork lacking accurate information. AILA and Council [support](#) Congress

continuing to fund SSP. But perfect compliance is impractical and hurts local communities. A solution needs to be identified to make this easier for providers, such as providing a grace for non-compliance with A number reporting which does not rise above a small threshold.

- **Transportation.** The Tucson sector has unique transportation challenges facing all parties involved. The nearest metropolitan area with sufficient resources is Tucson, which is at least two hours away from the southern border. This requires ground transportation from the more rural areas to Tucson for processing by CBP or for services by nonprofits. CBP specifically cites a significant need for bus and van transportation along the border wall road and from the border to their Tucson Sector Soft-Side Facilities. Local nonprofits observed shuttle companies significantly up charging their services for asylum seekers and rely on buses to transport migrants between their shelter/processing centers and hotels, as well as to the airport.
- **Border patrol agents are increasingly playing a humanitarian role,** with much of their time devoted to the initial processing of asylum seekers instead of border security and law enforcement. Discussions with border patrol agents repeatedly referenced the amount of time spent processing migrants rather than targeting smuggling operations. Border patrol agents spoke favorably of the new Border Patrol Processing Coordinator (BPPC) positions, which allowed the agency to shift much of the processing work to federal employees that are not border patrol agents. Border migration could be better managed if the processing of asylum seekers was done by organizations or government agencies whose purpose is humanitarian assistance. This would free up CBP to focus on securing the border.
- **Federal contractors play a significant role in border management in the Tucson sector.** CBP relies on them heavily for every step of the migrant processing, transport, and detention. CBP also liaises with Office of Refugee Resettlement (ORR) contractors for the transport of migrants that are being transferred to ORR custody.
- **CBP detention facility conditions have significantly improved since litigation on these conditions resulted in a permanent injunction.** Notably, the Tucson sector does not generally detain asylum seekers for longer than 48 hours to ensure compliance with [*Doe v. Mayorkas*](#).¹ Because of *Doe*, the Tucson sector does not conduct Credible Fear Interviews (CFIs) in their custody due to concerns about the length of time CFIs in CBP custody take and the requirements of the injunction relating to long-term detention.
- **Port of entry capacity is not meeting demand.** The Nogales port of entry lacks sufficient resources to manage the volume of migrants seeking entry through the CBP One app. About 100 appointments are available daily, but more than ten times that number were arriving in September 2023. The lack of port of entry (POE) capacity drives more migrants to enter between ports, which results in CBP expending far more resources apprehending, screening and transporting people. Finally, this has economic

¹ The *Doe* litigation permanently enjoined Customs and Border Protection (CBP) from holding detainees in Tucson Sector CBP facilities for longer than 48 hours “unless CBP provides conditions of confinement to meet Detainee’s basic human needs, pursuant to Detention-industry Standards” including a bed and blanket, showers, adequate food, potable water, and medical assessment by a medical professional.

implications as delays at the POE can be hours long for individuals driving across the border.

Proposed Solutions

- **Maintain the Shelter and Services (SSP) program and increase funding.** This new funding supplements CBP transportation efforts and allows local governments and nonprofits to provide a vital service to our communities, as admirably demonstrated by Pima County and Casa Alitas. In addition to providing humane support to migrants, these programs are vital to ensuring community health and safety by providing important medical screening and reducing individuals sleeping on the streets.
- **Ensure reasonable flexibility in federal SSP funding.** A five percent variance would allow for more breathing room for local governments and nonprofits given the impossibility of perfection in this situation. If a well-resourced local government with full-time finance employees who specialize in navigating federal programming like SSP finds the current proposed standards impossible to meet, nonprofits with limited resources face an impossible task. Strict compliance will hobble the funding program in its infancy and have dire consequences for our local communities.
- **Fund improvements in infrastructure and increases in staffing at POEs like Nogales.** This will allow ports to accommodate more asylum seekers and increase processing. CBP's Office of Field Operations (OFO) should be resourced to maintain sufficient well-trained staff, more lanes at POEs, and increased operating hours to ensure timely processing of vehicular and pedestrian traffic for local residents, visitors, merchants, and migrants.
- **Ensure adequate funding for ground transportation by CBP.** Increasing federal funding for ground transportation by CBP would in turn expand CBP capacity and efficiency, as well as limit the time migrants spend in facilities along the border that do not have the capacity or resources for long-term holding of migrants.
- **Fund more Border Patrol Processing Coordinators instead of more border patrol agents to maximize existing agency efficiency and availability to focus on smuggling operations.** BPPCs are a relatively new position that allows CBP to focus on its whole mission and the position can be hired and trained more quickly than border patrol agents, who go through a more extensive training process.
- **Ensure continuous funding for federal contractors working with CBP, ORR and all agencies who rely on them for migration processing.** As deadlines for continuing resolutions loom, these contracts abruptly ceasing would be extremely disruptive to border security and capacity.