



## Towards a Scalable, Outcomes-Driven Model of Case Management for Asylum Seekers

January 2021

Historically, refugee resettlement in the US has benefited from a robust infrastructure that is both national in scale and local in approach, helping to ensure resettled refugees are welcomed in their new communities. On the other hand, asylum seekers—who have often faced similar experiences of hardship, violence, and persecution as refugees who come to the US via the resettlement program—face a multitude of systemic challenges and a dearth of services. Many are detained in immigration detention centers around the country, in violation of international refugee protection standards. Indeed, there has never been a systematic approach to providing community-based services to asylum seekers that ensure protection of rights and promote early integration.

Recent attempts funded by the federal government to support services in the community as “alternatives to detention” have received a mixed response from experts.<sup>1</sup> For example, the Family Case Management Program, which was placed under the management and control of US Immigration and Customs Enforcement (ICE) under the Obama Administration, focused exclusively on law enforcement metrics (ie, compliance with immigration court hearings and appointments), and seemingly failed to focus on best practices in case management for forcibly displaced populations.<sup>2</sup>

Now, at the dawn of a new administration, there is an opportunity to reimagine how asylum seekers are served in the US. **Indeed, the Biden administration has pledged to end prolonged detention and reinvest in a case management program that serves asylum seekers in the community.**<sup>3</sup> A vast range of national and community-based organizations that serve refugees and migrants have stepped up in recent years to serve asylum seekers in their communities. The American Immigration Council and Women’s Refugee Commission documented a vast existing network of community-based services throughout the US in a recent survey of over 300 offices from 244 organizations.<sup>4</sup> Moreover, the nine resettlement agencies alone, which work in cooperative agreement with the US Department of State, have operations and affiliates in over 119 communities in 43 states. (See the Appendix with recommended adaptations for resettlement agencies serving asylum seekers.) This broad network of programs presents an opportunity to immediately scale up programs and develop a coordinated, outcomes-driven approach to serving asylum seekers through community-based case management programs.

### Recommendations

The IRC recommends the Biden Administration and philanthropy work closely with national and local agencies to immediately scale up existing programs and simultaneously build an outcomes-driven model

---

<sup>1</sup> Women’s Refugee Commission, *The Family Case Management Program: Why Case Management Can and Must Be Part of the US Approach to Immigration*, June 2019, <https://www.womensrefugeecommission.org/research-resources/the-family-case-management-program-why-case-management-can-and-must-be-part-of-the-us-approach-to-immigration/>.

<sup>2</sup> See Congressional Research Service (CRS), *Immigration: Alternatives to Detention (ATD) Programs*, July 8, 2019, p. 13, <https://fas.org/sgp/crs/homesec/R45804.pdf>.

<sup>3</sup> See *The Biden Plan for Securing our Values as a Nation of Immigrants*, <https://joebiden.com/immigration/>.

<sup>4</sup> American Immigration Council, *Community Support for Migrants Navigating the U.S. Immigration System*, Feb. 26, 2021, <https://www.americanimmigrationcouncil.org/research/community-support-migrants-navigating-us-immigration-system>.

that reimagines a system built on community-based services for asylum seekers. Specifically, the Biden Administration and philanthropy should support the development of a community-based approach to serving asylum seekers through the following actions:

- **Scale up high-quality, community-based case management for asylum seekers through existing networks and programs;** immediately provide resources to support existing case management or other community-based welcoming programs.<sup>5</sup>
  - Two tiers of services should be offered: **community orientation** and referrals for all asylum seekers, followed by **comprehensive case management** for asylum seekers who need, want, and are most likely to benefit from intensive services that can assess and address client goals across all life domains.
  - **Border shelter community referral specialists** should be placed at a minimum of three key shelters to ensure newly arrived asylum seekers understand how to access these services, and to obtain their consent to share contact information with programs in destination/ receiving communities.
  
- **Support National Coordination through the formation of a Task Force on Program Implementation** which will:
  - Finalize core **outcomes** and a **theory of change** for a national model. Client outcomes should focus on early integration and legal empowerment, rather than over-focusing on compliance with immigration enforcement and court appearance obligations, as past alternative-to-detention programs have done. An early integration approach ensures that regardless of the outcome of the protection claim or timeline for case resolution, individuals' ability to be safe, well, and part of their community is supported. A legal empowerment approach ensures clients understand the legal process and their options, and advocates for protection of clients' rights. This, in turn, ensures compliance with appearance obligations as clients are empowered to claim their rights and interact with the system.
  - Provide **technical assistance and training** to support programs in offering evidence-based services that adopt survivor-centered, legal empowerment, and early integration approaches, drawing from pooled resources and insights. A resource exchange will allow for shared program experiences, successes, and challenges.
  - Serve as a **liaison to advocacy organizations and border shelters**, as well as other key actors, to ensure the vast range of efforts taking form towards building a rights-respecting and humane US immigration system are informed by an outcomes-driven model of case management as an alternative to immigration detention.
  
- **Ensure funding for program evaluation and research.** While evidence has shown that asylum seekers demonstrate high compliance with immigration court appearance obligations, very little is known about client-centered outcomes. More research and information through client feedback mechanisms will help ensure future policies – and a government-funded model of case management – are outcomes-driven and grounded in evidence.

---

<sup>5</sup> As noted above, the Women's Refugee Commission and the American Immigration Council have **mapped existing programs** throughout the United States; this mapping should be consulted when selecting implementing partners.

## **Appendix: Resettlement agencies and community partners have networks and program infrastructure ready to be deployed immediately, with certain adaptations recommended for resettlement agencies**

Key advantages and strengths of resettlement agencies in the context of serving asylum seekers may include:

- Geographic reach, in a wide array of diverse urban and rural communities
- Expansive networks of community-based partners
- Linguistic capacity and expertise, both on staff and via interpreters
- Cultural competence, including recognition of the impact of trauma and persecution, as well as the resilience, tenacity, and strength of forcibly displaced populations
- Honed programming geared toward integration outcomes, beginning with cultural orientation and English language acquisition, to a range of targeted programs and initiatives
- Programming dexterity and technical expertise that promote positive integration outcomes (case management, economic empowerment, English classes, mental health support, legal services, housing, food security, education, cash, and in-kind support delivery); ability to adapt and shift to virtual service provision
- Close partnership with federal agencies serving newcomers to the United States
- Partnerships with local health departments, which have been critical during the COVID-19 pandemic
- Community-based approaches and deep collaborations with local and state partners that have fostered an ability to advocate at many levels (from individual schools on behalf of newcomer students and their families to engaging with state legislators to effect policy change)
- Experience serving asylees (people who have been granted asylum)
- Robust volunteer programs

### **Adaptations are needed to ensure quality programs and services**

At the same time, scaling up to meet the moment will require new areas of technical capacity and shifts in approach. While resettled refugees arrive to the US on a pathway to citizenship and with a range of benefits to which they are entitled during an initial period, the diametric opposite is true for most asylum seekers, who are initially on a path to deportation and have practically zero government-funded social supports. **Considering this harsh reality, achieving integration goals is considerably more complex than in the refugee resettlement context. To successfully serve asylum seekers, and with the support of federal funding and technical assistance, resettlement agencies should:**

- **Ensure adequate resources to meet basic needs prior to employment authorization.** Asylum seekers arrive with the same basic needs for food, housing, clothing, and medical care as resettled clients, yet their timeline to a baseline stability and self-sufficiency is considerably longer and lacking in official support structures. Resourcefulness and strong partnerships in housing and healthcare are needed, and some funding for direct assistance is essential, at least for a subset of clients who may experience acute housing or health crises. Where possible, RAs could consider ways to leverage any available flexible cash assistance or in-kind support and tap into community ties (eg, with local landlords and transitional housing services).

- **Plan for extended case management, at minimum 12 months in length.** Given that asylum seekers cannot access public benefits or work authorization for prolonged periods of time and are facing myriad challenges to their wellbeing as they seek greater stability, many require case management support in addition to basic needs support for a year or longer as their immigration case winds through a crushing backlog.
- **Develop solid and innovative partnerships with legal services providers or develop direct provision of legal services.** Individuals are at least five times more likely to win their case if they are represented by a lawyer. But securing quality legal counsel is challenging given nationwide gaps in pro bono legal representation, with many local providers at or over capacity. In some instances, case managers have indicated they spend half their time or more working on (often dead-end) legal referrals. Partnerships with legal service providers should explore 1) direct legal representation for a set number of clients, where possible; and/or 2) pro se support, for example through workshops that ensure rights are protected (eg, related to the one-year filing and right to apply for employment authorization). Some agencies may wish to develop or expand their own capacity to represent asylum seekers in their proceedings.
- **Develop or strengthen technical capacity to empower clients vis-a-vis the legal process.** Whether or not a client has legal representation—but especially in cases where they do not—case managers will be faced with myriad important questions from clients about their legal cases. Technical capacity and training for case managers is needed to ensure competence as they assist clients in navigating highly complex and adversarial legal systems, while also ensuring the avoidance of the unauthorized practice of law. Critical points that case managers should support their clients in understanding include: 1) the difference between immigration court hearings and appointments with Immigration & Customs Enforcement (ICE) or ICE contractors and what to expect at each; 2) understanding their rights to pursue and timelines related to employment authorization, along with the risks of working prior to authorization and basic workplace rights; 3) what to expect from an immigration lawyer, including the right to dismiss a lawyer who is not providing competent or ethical representation; and 4) possibilities to request removal of a GPS monitoring device (ankle monitors).
- **Ensure strong partnerships with mental health and psychosocial service (MHPSS) providers.** Like resettled refugees, asylum seekers are often grappling with their experiences of persecution, suffering, violence, and flight. On top of that, they must endure the uncertainty of a highly complex and protracted legal process, which often involves re-traumatizing interactions with multiple agencies or service providers (eg, immigration court hearings, ICE appointments, border or asylum interviews, repeated consultations with pro bono lawyers) and the looming threat of detention, separation, and deportation. Moreover, they must prepare testimony explaining, often with great detail, the persecution they suffered in their home country. Whether offered in-house or via collaborations with trusted partners, culturally responsive MHPSS services, including specialized mental health providers, are needed to support asylum seekers through this difficult process.
- **Ensure access to vocational training and preparation for employment.** RAs have strong job readiness training and support programs as well as deep relationships with a variety of local employers—this is integral to their mission of ensuring the best integration outcomes for resettled refugees. However, as emphasized above, asylum seekers have a prolonged wait before they can obtain employment authorization. Resettlement agencies should conduct a thorough

review of their existing workforce development programs and funding streams to identify which programs can enroll asylum seekers—both before and after receiving employment authorization—to ensure they are prepared to pursue and secure the best employment opportunities available.

- **Consider conducting a mapping exercise to develop or reinforce connections with providers in key countries of origin to establish referral mechanisms for a subset of clients with safe repatriation needs.** An important part of safety planning for asylum seekers and others seeking international protection is scenario and harm reduction planning for possible return – whether voluntary or enforced – to one’s native country, especially as some asylum seekers live in mixed-status households that may include US-citizen children. Resettlement agencies should connect with existing reintegration and safety programs overseas for returned migrants to develop referral mechanisms for clients who will ultimately return to home country.