



***Executive Order on Creating a Comprehensive Regional Framework to Address the Causes of Migration, to Manage Migration Throughout North and Central America, and to Provide Safe and Orderly Processing of Asylum Seekers at the United States Border***

*February 3, 2021*

On February 2, 2021, President Biden issued an [Executive Order](#) outlining his plan to manage the movement of people throughout North and Central America.

**Sec. 1. Policy.**

President Biden's multi-faceted approach towards managing migration is to: develop a strategy for addressing the causes of migration in North and Central America, such as violence, instability and lack of opportunity; improve and expand the asylum systems and resettlement capacities of Central and North America; and to find ways for at-risk populations to apply for protection closer to home. The purpose of this plan is to enforce the laws of the United States with regard to securing the country's borders, but to do so in a way that does not ignore or restrain the efforts of legitimate asylum seekers. This will involve improvement to lawful courses of action for migration into the United States and rebuilding of the asylum system. This plan is critical to reinvigorate the immigration practices in the United States, as many policies enacted during the Trump administration caused severe damage and suffering to persons seeking to enter the United States.

**Sec. 2. United States Strategies for Addressing the Root Causes of Irregular Migration and for Collaboratively Managing Migration in the Region.**

The U.S. government will utilize two strategies to address the causes of irregular migration and for collaboration with other countries in the region to manage migration. Below are summaries of each strategy.

*Root Cause Strategy:*

The purpose of the Root Cause Strategy is to identify and take affirmative action towards the underlying factors that lead to migration in the region, specifically in El Salvador, Guatemala, and Honduras, or what is commonly referred to as the "Northern Triangle." Factors that will be addressed in these areas include issues with advancing the rule of law, prevention of violence, combating sexual and domestic violence, and economic instability. Each of these factors represents a principal reason why people decide to migrate in this region. The Executive Order contains a more detailed description of each factor. Included in the Root Cause Strategy is also a proposal to ensure compliance with the Dominican Republic-Central America Free Trade Agreement and the deployment of domestic resources across communities in the Northern Triangle.

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*Collaborative Management Strategy:*

The focus of the Collaborative Management Strategy is to strengthen the collective efforts between the United States and partner countries in addressing the flow of migration. The goal of this strategy is to improve and build programs and infrastructure that allow migrants to obtain protection and other lawful immigration avenues both in the United States, as well as countries that are nearer to the migrants' home. This means that in addition to expanding the paths in which a migrant may obtain asylum or refugee protection, this strategy will also pay particular attention to labor and other non-protection related programs.

**Sec. 3. Expansion of Lawful Pathways for Protection.**

The Secretary of State and recently confirmed Secretary of Homeland Security, Alejandro Mayorkas, shall review mechanisms for identifying and processing individuals from the Northern Triangle who are eligible for refugee resettlement to the United States. They shall also identify and implement all legally available and appropriate forms of relief to complement refugee protection. The results of this review will be reported to the President. The Secretary of Homeland Security shall: consider reinstating the Central American Minors parole policy and consider using discretionary parole on a case-by-case basis to promote family unity for Northern Triangle nationals who are beneficiaries of family-sponsored visas. The Secretary of State and the Secretary of Homeland security shall take steps to enhance access to visa programs for individuals from the Northern Triangle.

**Sec. 4. Restoring and Enhancing Asylum Processing at the Border.**

The Secretary of Homeland Security, the Director of the CDC, and the Secretary of State will work with international and non-governmental organizations to begin developing policies and procedures for the safe and orderly processing of asylum claims at land borders.

Several policies, programs, and agreements shall be promptly reviewed to determine if they should be terminated or modified. These include:

- CDC and HHS rules restricting entry to the United States in response to COVID-19.
- The Migrant Protection Protocols program.
- Final rule barring asylum for certain asylum seekers at the border.
- Agreements between the U.S. and governments of Guatemala, El Salvador, and Honduras
- Procedures for people placed in expedited removal proceedings at the border.

Several of Trump's Presidential documents are revoked. These include an Executive Order, a Proclamation, and several Presidential Memoranda pertaining to the border. More detailed information on which orders are being revoked can be found in the [Executive Order](#).

By August 1, 2021, the Attorney General and the Secretary of Homeland Security will comprehensively examine the current legal framework governing the adjudication of asylum claims and determinations of refugee status. This review will evaluate whether the United States

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is complying with international standards and providing protection for people fleeing domestic and gang violence.

By October 30, 2021, the Attorney General and the Secretary of Homeland Security shall promulgate joint regulations concerning when someone should be considered a member of a “particular social group” for the purposes of 8 U.S.C. 1101(a)(42)(A).

**Additional Resources:**

[Penn State Law Center for Immigrants’ Rights Clinic](#)

[Human Rights First](#)

[National Immigrant Justice Center](#)

[Department of Homeland Security](#)

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