

Following The End Of Title 42, The Federal Government's New Framework Includes Additional Restrictions For Immigrant Families Released In Newark

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05-23-2023, Newark, New Jersey – Earlier this month, U.S. Immigration and Customs Enforcement (ICE) announced a process for expedited removal called Family Expedited Removal Management (FERM) for family units apprehended at the Southwest Border. ICE has selected four cities in the United States, including Newark, New Jersey, to pilot the program. While awaiting processing, the heads of households of families will be subject to ankle-monitoring and nightly curfews will apply to the entire family from 11 PM to 5 AM.

“Curfews and ankle monitoring on family units is dehumanizing and can have life-long impact on a child’s wellbeing,” said Priscilla Monico Marin, Executive Director of the New Jersey Consortium for Immigrant Children (NJCIC). “Pursuing asylum is a well-established right under domestic and

international law. Strategies aimed at deterring families from pursuing safety in the United States are both unethical and contrary to well established law.”

In addition to Newark, families released in Baltimore, Chicago and Washington, DC may also be placed into FERM in the coming days. Families in the program will be placed in Expedited Removal, which means they will receive a Credible Fear Interview within 30 days. Because of the tight time frame, families will have limited access to legal representation before the government’s process is completed and deportation is effectuated.

“This accelerated timeline will make it extremely difficult for most asylum-seeking families to retain legal counsel, which data shows greatly increases an asylum-seeker’s chance of success, said Sarah Nolan, Legal Director at NJCIC. “Without access to counsel and time to collect evidence, families will be unjustly deprived of their rights to seek safe haven from persecution in the U.S.”

FERM is one of the Biden Administration’s post-Title 42 policies aimed at deterring asylum seekers from pursuing safety in the United States. Others include the President’s Transit Ban, which requires that asylum seekers pursue and be denied asylum in a third country before being eligible to apply for asylum in the United States. Many of the current President’s policies are eerily similar to the prior administration’s. Under well established law, families have the right to apply for asylum and should be able to do so as a unit. Government policies that ensure families remain together center the wellbeing of immigrant children.

“The Transit Ban and other policies result in family separation. Families desperately want to keep their children safe, and they find themselves between a rock and a hard place,” said Priscilla Monico Marin.

It is crucial that the rights and well-being of asylum-seeking families, particularly the most vulnerable—children— are safeguarded to ensure that the United States remains a beacon of hope and protection for those seeking shelter from persecution.

About the NJ Consortium for Immigrant Children

We work with New Jersey's young immigrants and their allies to advance their full, fearless participation in our society. We seek lawful status for immigrant children and youth and advocate for systemic change in how they access legal and social services.

For more information or to join our efforts, visit our website at <https://njcic.org/>