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# DHS Botched Fast-Track Asylum Programs, Watchdog Says

By **Hailey Konnath**

Law360 (January 29, 2021, 9:28 PM EST) -- The Department of Homeland Security bungled its rollout of two Trump-era pilot programs designed to speed up the asylum-seeking process by moving too quickly and without adequately considering staffing, facility limitations and data systems, according to a government watchdog report released Friday.

The two pilot tracks, one for Mexicans and the other for non-Mexican nationals, set expedited timetables for these screenings and allowed border officials to keep asylum-seekers in custody between October 2019 and March 2020. But U.S. Customs and Border Protection and U.S. Citizenship and Immigration, both within DHS, failed to effectively implement the programs, which ultimately left hundreds of asylum cases in limbo, according to the report from DHS' Office of the Inspector General.

Among other issues, the agencies failed to implement good metrics for measuring the programs' effectiveness, and the data systems they used weren't interoperable, per the report, which was dated Jan. 25 and released Friday. And that necessitated "labor-intensive and error-prone manual efforts to track and share information across components," the OIG said.

USCIS and CBP also crammed too many people into detention centers, routinely exceeding CBP detention standards and placing multiple families together "with limited assurance of privacy and separation of juveniles from unrelated adults," the OIG said.

Additionally, the programs' consultation areas and legal amenities didn't actually help asylum-seekers prepare for their interviews with immigration officials, according to the report. On top of that, the programs were understaffed, the OIG found.

"CBP did not have specific program policy guidance or measurable objectives, yet rapidly implemented the pilot programs and expanded them without a full evaluation of the pilots' effectiveness," the OIG said.

It added that although the pilot programs' so-called "credible fear" process was generally the same as in standard proceedings, "CBP temporary holding conditions and detainees' access to counsel and representation vary greatly from those afforded to detainees in ICE detention."

The OIG recommended that CBP and USCIS develop and implement a plan to evaluate the performance of the programs, hammer out appropriate standards for managing prolonged detention of asylum-seekers, find a way to afford detainees a more reasonable amount of privacy and reevaluate its staffing requirements.

DHS does not agree with those recommendations, according to the report. However, it does agree that it should have a process for its data systems to work together more cohesively. That issue has been resolved, the OIG said.

The agency also said it has no plans to restart the programs, which have been dormant since March 2020. The future of the programs is dependent on litigation and pre-pandemic operations being able to resume, it said.

But DHS has not officially terminated the programs, the OIG said. Should the agency officially pull the plug, it would consider its recommendations resolved, it said.

DHS declined to comment beyond its responses included in the report Friday.

The OIG report comes on the heels of **similar findings** from the U.S. Government Accountability Office, which said in its own Jan. 25 report that hundreds of asylum cases had been left unresolved and unopened in the immigration courts. As of October, more than half of the asylum-seekers who passed an initial screening in the pilot programs didn't have their full immigration cases initiated by the U.S. Department of Justice, the GAO said.

Government data does not "account for the status of removal proceedings for approximately 630 individuals who received positive determinations" because there is no record in the case management system that immigration officials filed the required paperwork, according to that report.

In response to that report, DHS said it "remains committed to conducting credible fear interviews in a thorough and timely manner to fulfill international obligations and U.S. laws, while also ensuring that the U.S. border is secure."

--Additional reporting by Asher Stockler. Editing by Michael Watanabe.

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